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International Court of Justice

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Official transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, The United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 17 December 1945, 1020-1245, Lord Justice Lawrence presiding.

THE PRESIDENT: I have four announcements to make on behalf of the Tribunal. I will read those announcements now and they will be posted upon the board in the Defendants' Counsel's Information Center in German as soon as possible.

The first announcement is this: The attention of the Tribunal has been drawn to publications in the press of what appear to have been interviews with some of the defendants in this case, given through the agency of their counsel. The Tribunal considers it necessary to state with the greatest emphasis that this is a procedure which cannot and will not be countenanced. Therefore, counsel are warned that they should observe the highest professional standards in such matters and should not use the opportunity afforded to them of conferring freely with their clients to act in any way as intermediaries between the defendants and the press, and they must exercise the greatest professional discretion in making any statement on their own behalf.

The Tribunal recognizes that in a trial of this kind, where the public interest is world-wide, it is in the highest degree important that all those who take part in the trial in any capacity whatever should be aware of their responsibility to see that nothing is done to detract from the proper conduct of the proceedings.

The press of the world is rendering a very great service in giving publicity to the proceedings of the Tribunal, and the Tribunal feels that it may properly ask for the cooperation of all concerned to avoid anything which might conflict with the impartial administration of justice.

The second announcement that I have to make is this: The Tribunal

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understands that the counsel appointed under Article 9 of the Charter are in doubt whether they have been appointed to represent the groups and organizations charged in the indictment as criminal, or to represent individual applicants who have applied to be heard under the said article.

The Tribunal directs that counsel represent the groups and organizations charged, and not the applicants. As the Tribunal has already directed, counsel will be entitled to call as witnesses representative applicants and may also call other persons whose attendance may be ordered by the Tribunal. Application to call any witness must be made in the ordinary way. The evidence of such witnesses and the arguments of counsel must be confined to the question of the criminal nature of the group or organization. Counsel will not be entitled to call evidence or to discuss any question as to the individual responsibility of particular applicants, except in so far as this may bear upon the criminal character of the organizations. Counsel will be permitted, as far as possible, to communicate with applicants in order to decide what witnesses they wish to apply to call.

The third announcement is this: The Chief Prosecutor for the United States has requested the Tribunal to make a change in its formal order which provided that only such portions of documents which are read in the court would be admitted as evidence. In order to meet the needs, so far as possible, of the members of the Tribunal, of the Prosecution, and of Counsel for the Defendants, to have before them all of the evidence in the case, the Tribunal, having carefully considered the request, makes the following order:

All documents may be filed in Court. The Tribunal shall only admit in evidence, however:

1. Documents or portions of documents which are read in Court;
2. Documents or portions of documents which are cited in Court, on the condition that they have been translated into the respective languages of the members of the Tribunal for their use; and that sufficient numbers in German are filed in the Information Center for the use of Defense Counsel.

This does not apply to the documents of which the Court will take judicial notice in accordance with Article 21 of the Charter, and the prosecution and the defendants will be at liberty to read those documents or to refer them without reading them.

Trial briefs and document books may be furnished to the Tribunal if sufficient copies thereof are, at the same time, filed for Defense Counsel in the Information Center. As far as possible, these should be furnished in advance of their introduction in Court. In order to permit the Interpretation and Translation Division to make translations in time,

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it is suggested that all documents be submitted to the Division at least five days before they are to be offered in evidence.

This is the fourth announcement: The Tribunal has passed upon a number of applications for witnesses. Some of these have been granted, subject to their evidence being relevant. Some have been declined, and in some cases orders have been made that the witness be alerted; that is to say, that if he can be located, he be advised to hold himself in readiness to come here as a witness if the application is granted.

It is the desire of the Tribunal to secure for the defendants those witnesses who are material and relevant to their defense. To prevent the unnecessary prolonging of the trial, however, it is clear that the witnesses whose testimony is irrelevant or merely cumulative should not be summoned. At the conclusion of the Prosecution's testimony, the Tribunal shall hear from Defendant's Counsel as to which of the witnesses granted or alerted they think necessary to bring here to testify. At that time, the Tribunal may hear from them further as to any witnesses that have been declined, if, in view of the case, it then appears to the Tribunal that the testimony of such witnesses is material and not cumulative.

Counsel appearing for any defendant may question any other defendant as to any relevant matter, and may interrogate him as a witness for that purpose. If the other defendant takes the stand in his own behalf, the right shall be exercised at the conclusion of his testimony.

Examination of witnesses called by other defendants: The same person has been asked as a witness by a number of defendants in some cases. It is only necessary that such witness be called to the stand once. He may then be interrogated by counsel for any defendant as to any material matter.

That is all.

I call on Counsel for the United States.

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CAPTAIN HARRIS: May it please the Tribunal, we are resuming the presentation of evidence of the conspirators' plans for Germanization and spoilation.

The next general subject upon which we propose to introduce evidence is the conspirators' plans for the spoilation and Germanization of the Soviet Union.

As Mr. Alderman has shown, the invasion of the Soviet Union was the culmination of plans meticulously laid by the conspirators. We wish now to introduce evidence upon the conspirators' plans for the spoilation and Germanization of the Soviet Union after their anticipated conquest.

The Chief Prosecutor for the Soviet Union will demonstrate what the execution of these plans meant in terms of human suffering and misery. We submit that the few exhibits which we propose to offer at this time will show the following:

1. The conspirators planned to remove to Germany all foodstuffs and raw materials from the South and South-East of the Soviet Union, over and above the needs of the Nazi invading forces and the absolute minimum necessary to supply the bare needs of the people in those particular regions.

This region had previously supplied the northern

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area of the Soviet Union, which the conspirators called the "Forest Zone". The latter zone embraced some of the leading industrial areas of the Soviet Union, including Moscow and Leningrad.

2. They deliberately and systematically planned to starve millions of Russians. Starvation wasto be accomplished by the following means:

a. As indicated under Point 1, products from the south and south and south east of the Soviet Union which ordinarily were sent to the industrial regions of the north were to be forcibly diverted to Germany. Moreover, all livestock in the industrial regions was to be seized for use by the Wehrmacht and the German civilian population.
The necessary consequence was that the population of the northern regions would be reduced to starvation.

b. They established the following order of priority in which food produced by the Russians would be allocated.
First, the combat troops.
Second, the remainder of troops in enemy territory.
Third, troops stationed in Germany.
Fourth, the German civilian population, and
Lastly, the population of the occupied countries.

Thus, even Russians in the food surplus area of the Ukraine, who were not essential to the production of farm products for the German war machine, were to be systematically starved.

Point 3. They planned the permanent destruction of all industry in the northern area of the Soviet Union in order that the remnants of the Russian population would be completely dependent upon Germany for their consumer goods.

4. They planned to incorporate a part of Galicia and all of the Baltic countries into Germany and to convert the Crimea and an area north of the Crimea, the Volga territory, and the district around Baku into German colonies.

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I now turn to the specific items of proof.

I first offer in evidence Document No. EC-472, U.S.A. Exhibit No. 315. This document is offered for the particular purpose of showing the status and functions of the Economic Staff East, Group LA. The Exhibit which we shall next offer in evidence was prepared by this organization. Document No. EC-472 is a directive issued by Defendant Goering's office for "The Operation of the Economy in the Newly-occupied Eastern Territories."
It is the second edition and is dated Berlin, July 1941. The first edition was obviously published some time before July 1941. The document was found among the captured OKW files in Sackenheim.

Under this directive, defendant Goering established the Economic Executive Staff Easter, which was directly responsible to him, and under it created the Economic Staff East. The Economic Staff East in turn was sub-divided into four groups: the Chief of the Economic Staff, Group LA, Group W, and Group M. I now quote from page 2, lines 7-9 of the English text. In the german text it is at page 7, lines 7-9.

I quote: "Group LA. Functions of Nutrition and Agriculture, the economy of all agricultural products, provision of supplies for the army, in co-operation with the army groups concerned."

I next offer in evidence Document Number EC-126, which is USA Exhibit No. 316. This is a report dated 23 May 1941, which was before the invasion of the Soviet Union. It was found among the captured files of the OKW. It is entitled, "Economic Policy Directives for Economic Organization, East, Agricultural Group." It was prepared by the Economic Staff East, Group LA, the Agricultural Group, which, as shown by the exhibit introduced a few months ago, was an important part of the organization which Defendant Goering established to formulate plans for the economic administration of Russia.

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The underscoring in the English text merely reflects the underscoring in the original.

The document begins by recitation of facts pertaining to the production of agricultural products in the Soviet Union. It states that the grain surplus of Russia is determined by the level of domestic consumption and that this fact affords the basis upon which the planners must predicate their actions and economic policy. I now quote from the 6th and 7th paragraphs of page 2 of the English text. The German text is the last 3 lines of page 3 and the first 5 lines of page 4.

I quote: "The surplus territories are situated in the black soil district (that is in the south and south-east) and in the Caucasus. The deficit areas are principally located in the Forest Zone of the North.

Therefore, an isolation of the black soil areas must in any case place greater or lesser surpluses in these regions at our disposal. The consequences will be cessation of supplies to the entire forest zone, including the essential industrial centers of Moscow and St. Petersburg."

Next, I quote from the last eleven lines of page 2, and all of page 3, of the English text. The German text begins in the middle of line 6 of page 5 and continues through to line 29 of page 6.

I quote: "This, the cessation of supplies, means:

1. All industry in the deficit area, particularly the manufacturing industries in the Moscow and Petersburg regions as well as the Ural industrial regions will be abandoned.

It may be assumed that these regions today absorb an annual five to ten million tons from the food production zone.

2. The Trans-Caucasian oil district will have to be excepted, although it is a deficit area. This source of oil, cotton, manganese, copper, silk and tea must continue to be supplied with food in any case, for special political and economic reasons.

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3. No further exceptions with a view to preserving one or the other industrial region or industrial enterprise must be permitted.

4. Industry can only be preserved insofar as it is located in the surplus region. This applies, apart from the above-mentioned oil field regions in the Caucasus, particularly to the heavy industries in the Donetz district (Ukraine). Only the future will show to what extent it will prove possible to maintain in full these industries, and in particular the Ukrainian manufacturing industries, after the withdrawal of the food surplus by Germany. The following consequences result from this situation, which has received the approval of the highest authorities, since it is in accord with the political tendencies, preservation of the "small" Russians, preservation of the Caucasus, of the Baltic provinces, of White Russia, to the prejudice of the Great Russians.

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I. For the forest belt

a) Production in the forest belt (the food-deficit area) will become 'naturalized', similar to the events during the World War and the Communistic tendencies of the war, etc., viz: agriculture in that territory will begin to become a mere 'home production'. The result will be that the planting of products destined for the market such as, in particular, flax and hemp, will be discontinued, and the area used therefor will be taken over for products for the producer (grain, potatoes, etc.) Moreover, discontinuance of fodder for that area will lead to the collapse of the dairy production and of pig producing in that territory.

b) Germany is not interested in the maintenance of the productive power of these territories, except for supplying the troops stationed there. The population, as in the old days, will utilize arable land for growing its own food. It is useless to expect grain or other surpluses to be produced. Only after many years can these extensive regions be intensified to an extent that they might produce genuine surpluses. The population of these areas, in particular the urban population, will have to face most serious distress from famine. It will be necessary to divert the population into the Siberian spaces. Since rail transport is out of the question, this too, will be an extremely difficult problem.

c) In this situation, Germany will only draw substantial advantages by quick, non-recurrent seizure, i.e., it will be vitally necessary to make the entire flax harvest available for German needs, not only the fibers but also the oleaginous seed.

It will also be necessary to utilize for German purposes the livestock which has no fodder base of its own, i.e. it will be necessary to seize livestock holdings immediately,

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and to make them available to the troops not only for the moment, but in the long run, and also for exportation to Germany. Since fodder supplies will be cut off, pig and cattle holdings in these areas willof necessity drastically decline in the near future. If they are not seized by the Germans at an early date, they will be slaughtered by the population for its own use, without Germany getting anything out of it."

Our next quotation is from the next paragraph ...

THE PRESIDENT: Don't go too fast..... Yes?

CAPTAIN HARRIS: That is the end of that particular quotation. Our next quotation is from the first paragraph of page 4 of the English text. The German text is at page 7, last 2 words of line 26, down to the beginning of line 31.

Quote: "It has been demanded by the Fuehrer that the reduction in the meat ration should be made good by the fall. This can only be achieved by the most drastic seizures of Russian livestock holdings, particularly in areas which are in a favorable transport situation in relation to Germany."

In the interests of expedition, your Honor, I am omitting some sections from this last exhibit, which I had originally intended to quote.

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I skip now to line 29 of page 4 of the English text, beginning with the underscored words "In the future", and quote to line 48. In the German text it is at page 8, third line from the bottom, continuing to line 17 of page 9.

"In the future, Southern Russia must turn its face toward Europe. Its food supluses, however, will only be paid for if it purchases its industrial consumer goods from Germany, or Europe. Russian competition from the forest zone must, therefore, be abolished.

"It follows from all that has been said that the German administration in these territories may well attempt to mitigate the consequences of the famine which undoubtedly will take place, and to accelerate the return to primitive agricultural conditions. An attempt might be made to intensify cultivation in these areas by expanding the acreage under potatoes or other important food crops giving a high yield. However, these measures will not avert famine. Many tens of millions of people in this area will become redundant and will either die or have to emigrate to Siberia. Any attempt to save the population there from death by starvation by importing surpluses from the black soil zone would be at the expense of supplies to Europe. It would reduce Germany's staying power in the war, and would undermine Germany's and Europe's power to resist the blockade. This must be clearly and absolutely understood."

I next quote from page 5, lines 18 to 30 of the English text. The German text is at page 12, lines 1 to 11.

"1. Supplies for the Army:

"Germany's food situation in the third year of war demands it imperatively that the Wehrmacht, in all its provisioning, must not live off Greater German territory or that of incorporated or friendly areas from which this territory receives imports. This minimum aim, the provisioning of the Wehrmacht from enemy territory in the third year, and if necessary in later years, must be attained at any price. This means that one-third of the Wehrmacht must be fully provisioned

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by French deliveries to the army of occupation. The remaining two-thirds (and even slightly more in view of the present size of the Wehrmacht) must without exception be provisioned from the Eastern space."

I now quote from page 8 of the English text, the last nine lines. The German text is at page 18, lines 15 to 22.

"Thus it is not important under any circumstances, to preserve what has existed, but what matters is a deliberate turning away from the existing situation and introducing Russian food resources into the European framework. This will inevitably result in an extinction of industry as well as a large part of the people in what so far have been the food-deficit areas.

"It is impossible to state an alternative in sufficiently hard and severe terms."

My next quotation is from the first ten lines of page 9 of the English text. The German text is at page 19, lines 11 to 20.

"Our problem is not to replace intensive food production in Europe through the incorporation of new space in the East, but to replace imports from overseas by imports from the East. The task is two-fold:

"1. We must use the Eastern spaces for overcoming the food shortages during and after the war. This means that we must not be afraid of drawing upon the capital substance of the East. Such an intervention is much more acceptable from the European standpoint than drawing upon the capital substance of Europe's agriculture."

Finally, I quote from the remainder of page 9 to the end of the penultimate paragraph of the English text. The German text appears at lines 24 to 31 of page 19.

"2. For the future new order, the food-producing areas in the East must be turned into a permanent and substantial complementary source of food for Europe, through intensified cultivation and resulting higher yields.

"The first-named task must be accomplished at any price, even

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through the most ruthless cutting down of Russian domestic consumption, which will require discrimination between the consuming and producing zones."

It is submitted, your Honors, that this document discloses, on its face, a studied plan to murder millions of innocent people through starvation. It reveals a program of premeditated murder of millions of innocent people, through starvation. It reveals a program of premeditated murder on a scale so vast as to stagger the human imagination. Mr. Elwyn Jones, of the British delegation, will subsequently show that this plan was, in effect, the logical culmination of general objectives, clearly announced by Adolf Hitler in "Mein Kampf." Each defendant in the box was fully aware of these general objectives when he committed the acts with which he is charged.

I next introduce in evidence a document no less damaging than the one I have just quoted. This document is Document No. L-221, which is U.S.A. Exhibit 317. This is a top secret memorandum, dated 16 July, 1941, of a conference at the Fuehrer's headquarters, concerning the war in the East. It seems to have been prepared by Defendant Bormann, because his initials appear at the top of page 1. It was captured by the United States Counter-Intelligence Branch.

The text of the memorandum indicates that the conference was attended by Hitler, Lammers, and Defendants Goering, Keitel, Rosenberg and Bormann.

The exhibit is particularly important for the light it throws upon the conspirators' plan to Germanize conquered areas of the Soviet Union. It is important also for its disclosure of the utterly fraudulent character of the whole Nazi propaganda program. It shows how the conspirators sought to deceive the entire world; how they pretended to pursue one course of

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"2. To emphasize that we are liberators.

"In particular: The Crimea has to be evacuated by all foreigners and to be settled by Germans only. In the same way the former Austrian part of Galicia will become Reich territory.

"Our present relations with Roumania are good, but nobody knows what they will be at any future time. This we have to consider, and we have to draw our frontiers accordingly. One ought not to be dependent on the good will of other people. We have to plan our relations with Roumania in accordance with this principle.

"On principle, we have now to face the task of cutting up the giant cake according to our needs, in order to be able:

"first, to dominate it;

"second, to administer it, and;

"third, to exploit it.

"The Russians have now ordered partisan warfare behind our front. This partisan war again has some advantage for us; it enables us to eradicate everyone who opposes us.

"Principles: Never again must it be possible to create a military power west of the Urals, even if we have to wage war for a hundred years in order to attain this goal. Every successor of the Fuehrer should know, security for the Reich exists only if there are no foreign military forces west of the Urals: it is Germany who undertakes the protection of this area against all possible danger. Our iron principle is and has to remain: We must never permit anybody but the Germans to carry arms."

I next quote from page 3, lines 19 to 31 of the English text. In the German text this is at the last 13 lines of page 5.

"The Fuehrer emphasizes that the entire Baltic country will have to be incorporated into Germany.

"At the same time the Crimea, including a considerable hinterland, (situated north of the Crimea) should become Reich territory; the hinterland should be as large as possible.

"Rosenberg objects to this because of the Ukrainians living there.

"Incidental question: It occurred to me several times that Rosenberg has

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a soft spot for the Ukrainians; thus he desires to aggrandize the former Ukraine to a considerable extent."

Departing from the text for just a moment, it may be noted parenthetically that his was the only aspect of the Germanization program, outlined by Hitler at this meeting, to which Rosenberg objected in any way. Resuming the quotation:

"The Fuehrer emphasizes furthermore that the Volga Colony, too, will have to become Reich territory, also the district around Baku; the latter will have to become a German concession (military colony)."

Thus, the program, as outlined by the conspirators at this meeting of 16 July, 1941, called for the unlawful incorporation of a part of Galicia and all of the Baltic countries into Germany; and for the unlawful conversion of the Crimea and areas north of it, the Volga territory and the district around Baku, into German colonies.

In further support of this point, I invite the attention of your Honors to Document No. 1029-PS, already introduced in evidence by Mr. Alderman, as Exhibit No. U.S.A. 145. This document was not included in your Document Book, your Honors, but has been read into the record by Mr. Alderman, pages 1202 and 1203. This document is entitled, "Instruction for a Reich Commissar in the Baltic Countries and White Russia."

THE PRESIDENT: Where are you quoting from?

CAPTAIN HARRIS: Sir, it is not included in the Document Book, but it is in the record, at pages 1202 and 1203. In the German text, the original which we have here, it is at pages number 2 and 3.

THE PRESIDENT: Of 1202-PS?

CAPTAIN HARRIS: No sir, 1202 of the record. The PS Number is 1029. That is U.S.A. Exhibit Number 145.

"The aim of a Reich Commissar for Esthonia, Latvia, Lithuania and White Russia (last two words added in pencil) must be to strive to achieve the form of a German protectorate, and then transform the region into part of the German Reich by Germanizing racially possible elements, colonizing Germanic races and banishing undesirable elements. The Baltic Sea must become a Germanic inland sea, under the guardianship of Greater Germany."

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I now offer in evidence Document No. EC-3, which is U.S.A. Exhibit No. 318. This document was likewise found among the captured OKW files at Fechenheim. This document, your Honors, is offered as direct proof of the fact, to which we have previously referred, that even in the food surplus areas of the occupied regions of the Ukraine, the conspirators planned to allocate food on a basis which left virtually nothing for those persons who were not engaged in the compulsory production of commodities for the German war machine. This document, as well as Document No. EC-126, which was introduced a few moments ago and others we offer, should, it is submitted, be read in the light of the explicit provision in Article 52 of the Hague Regulations of 1907, that requisitions in kind and services shall not be demanded from municipalities or inhabitants except for the needs of the army of occupation.

I first quote from page 3, lines 21 to 23 of the English text of EC-3. In the German text it appears at page 13, lines 1 to 3. The particular document from which I am about to quote is a top secret memorandum, dated 16 September, 1941, concerning a meeting of German military officials, presided over by Defendant Goering. The memorandum was signed by General NAGL, liaison officer between Defendant Goering's Four Year Plan Office and the OKW. I now quote:

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"At this conference which was concerned with the better exploitation of the occupied territories for the German food economy, the Reich Marshal called attention to the following:--"

I next quote from the first two paragraphs of page 4 of the English text. The German text is at page 13, third and fourth paragraphs.

"It is clear that a graduated scale of food allocations is needed.

"First in line are the combat troops, then the remainder of troops in enemy territory, and then those troops stationed at home. The rates are adjusted accordingly. The supply of the German non-military population follows and only then comes the population of the occupied territories."

I now quote from another portion of this document, starting at our page 1 of the English text. This is a memorandum, dated 25 November, 1941, relating to the general principles of economic policy in the newly-occupied Eastern territories, as prescribed in a conference held in Berlin on 8 November 1941. This memorandum was written by General Nagl. It is on the stationery of the Supreme Headquarters Armament Procurement Office with the Reich Marshal Goering.

I quote from lines 13 to the bottom of page 1.

THE PRESIDENT: I'ent this document, the part you are going to read now, merely cumulative to EC-126, which you have just read to us, that economic policy directive?

CAPTAIN HARRIS : It further proves that fact, sir. I can omit it, if you like.

THE PRESIDENT: It doesn't seem to add to it.

CAPTAIN HARRIS: It is a rather obvious point and I will concede to your Honor. I shall pass on to the next point.

On 17 July, 1941, Hitler and the Defendant, Keitel issued a decree, appointing Defendant Rosenberg as the Reich Minister for the occupied Eastern territories. This was the day following the meeting at the Fuehrer's headquarters, which is reported in Document No. L-221 and from which we have already quoted at length.

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The decree appointing Rosenberg as Reich Minister for the occupied Eastern territories, is set forth in Document No. 1997-PS, which is U.S.A. Exhibit No. 319 and I offer it in evidence. I quote from articles 2 and 4 on page 1 of this decree. The German text is at pages 27 and 28, articles 2 and 4.

"The Civil Administration in the newly-occupied Eastern territories where these territories are not included in the administration of the territories bordering on the Reich or the General Government, is subject to the Reich Minister for the Occupied Eastern Territories.

"I appoint Reichsleiter Alfred Rosenberg as Reich Minister for the occupied Eastern territories. He will hold office in Berlin."

Defendant Rosenberg's views well fitted him for his task as one of the chief executioners of the conspirators' plans in the Soviet Union. His views were plainly expressed in a speech delivered on 20 June, 1940, and is set forth in Document No. 1058-PS, now USA Exhibit No. 147. I refer Your Honors to the first three sentences of the English text. The German text appears on page 9, last five lines and continuing through to line 2 of page 10. In the speech, Defendant Rosenberg stated, and I quote:

"The job of feeding the German people, stands, this year, without a doubt, at the top of the list of Germany's claims on the East; and here the southern territories and the northern Caucasus will have to serve as a balance for the feeding of the German people. We see absolutely no reason for any obligation on our part to feed also the Russian people with the products of that surplus territory. We know that this is a harsh necessity, bare of any feelings."

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I next offer in evidence Document Number EC-347, which is USA Exhibit Number 320. This document was likewise found among the captured files of the OKW. It contains a set of directives issued by Defendant Rosenberg in his capacity as Reich Minister for the Occupied Eastern Territories.

I quote from the first two full paragraphs of page 1 of this exhibit. The German text is at page 39, paragraphs 4 and 5. In these directives Defendant Rosenberg stated, and I quot .

"The principal task of the civilian administration in the occupied Eastern territories is to represent the interest of the Reich. This basic principle is to be given precedence in all measures and considerations. Therefore, the occupied territories, in the future, may be permitted to have a life of their own in a form not as yet to be determined. However, they remain parts of the Greater German living space and are always to be governed according to this guiding principle.

"The regulations of the Hague Convention on Land Warfare, which concern the administration of a country occupied by a foreign belligerent power, are not applicable, since the USSR is to be considered dissolved, and therefore the Reich has the obligation of exercising all governmental and other sovereign functions in the interests of the country's inhabitants. Therefore, any measures are permitted which the German administration deems necessary and suitable for the execution of this comprehensive task."

THE PRESIDENT: Has this been read before?

CAPTAIN HARRIS: Not to my knowledge, sir.

THE PRESIDENT: Very well.

CAPTAIN HARRIS: Implicit in Defendant Rosenberg's statement that the Hague Regulations are not applicable to the Soviet Union is the recognition by him that the conspirators' actions in the Soviet Union flagrantly violated the Hague Regulations. The statement indicates that the conspirators were utterly contemptuous of applicable principles of international law.

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Mr. Dodd has already introduced into evidence Document 294-PS, now USA Exhibit 185, in connection with the slave labor presentation. This document is a top secret memorandum, dated 5 October 1942, which was found in Defendant Rosenberg's files. It was written by a Mr. Braeutigam, who was a high official in Defendant Rosenberg's ministry for the occupied Eastern territories. I should like to quote two additional passages from this document. I quote from the English text page 1, the first full paragraph, and lines 17 to 20. The German text is at page 1, the first full paragraph, and lines 22 to 25.

"In the East, Germany is carrying on a three-fold war: a war for the destruction of Bolshevism, a war for the destruction of the greater Russian Empire, and finally a war for the acquisition of colonial territory for colonizing purposes and economic exploitation.

"With the inherent instinct of the Eastern peoples the primitive man soon found out also that for Germany the slogan: 'Liberation from Bolshevism' was only a pretext to enslave the Eastern peoples according to her own methods."

This completes, Your Honors, the list of the exhibits with respect to the Soviet Union which we propose to introduce at this time. As I mentioned at the outset of this presentation, these exhibits do no disclose all of the conspirators' plan with respect to the occupied countries, but they do, we submit, show a constant pattern, a pattern of ruthless Germanization and destruction.

In conclusion we desire to offer into evidence two documents which disclose that German industrialists and financiers aided and abetted Himmler in his relentless program of Germanization, exploitation, oppression and destruction.

I first offer in evidence Document Number EC-454, which is USA Exhibit Number 321. This document was found in the vaults of the Stein Bank in Cologn among the files of the banker, Daron Kurt von Schroeder, by a joint

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British-American team, headed by Colonel Kellam on the British side and Captain Roth on the American side. It is a carbon copy of a letter from von Schroeder to Himmler, dated 27 August 1943, and bears von Schroeder's initials. I quote it in its entirety;

"My very honorable Reichsfuehrer:

"With great joy I learn of your appointment as Reichsminister of the Interior and take the liberty to extend my heartiest congratulations to you on assuming your new post.

"A strong hand is now very necessary in the operation of this Department and it is unversally welcomed but especially by your friends that it was you who were chosen for this by the Fuehrer. Please be assured that we will always do everything in our power at all times to assist you in every possible way.

"I am pleased to inform you at this opportunity that your circle of friends has again placed at your disposal this year a sum slightly in excess of RM 1 million for 'special purposes.' An exact list showing the name of the contributors will be sent to you shortly.

"Again all my best wishes - as well as those of my family - I remain yours, in old loyalty and esteem.

"Heil Hitler! Yours truly."

I next offer in evidence -- and this is the final exhibit, your Honors -- Document No. EC-453, which is USA Exhibit 322. This document was likewise found in the Stein Bank in Cologne by the above-mentioned joint British-American team. It is a carbon copy of a letter from von Schroeder to Himmler, dated 21 September 1943, bearing von Schroeder's initials, with the enclosed list of contributors --

THE PRESIDENT: Captain Harris, on what principle do you suggest that either of these letters can possibly be evidence in this case?

CAPTAIN HARRIS: Your Honors, at the time the motion to postpone the trial as to Gustav Krupp was argued before this Tribunal, the British chief prosecutor specifically stated that if it should be the decision of the Tribunal that Krupp should be dismissed, the evidence as to the

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part which he, his firm, and other industrialists played in the preparation and conduct of the war would still be given to this Tribunal as forming part of the general conspiracy to which these defendants were involved, with divers other persons not now before the Court.

The evidence we are now offering, your Honors, is precisely of the type indicated by Sir Hartley Shawcross. It is evidence which goes to prove the length and breadth of the general conspiracy which is alleged in the indictment. Evidence showing contributions as to one of the leading conspirators, a conspirator who was in the forefront of the unlawful program to plunder public and private property and to Germanize a large part of the world is itself submitted relevant to this proceeding.

May I continue?

THE PRESIDENT: Yes.

CAPTAIN HARRIS: I quote the last letter, EC-453, in its entirety:

"Dear Reichsleader:

"I thank you very much for your kind letter of the 14th of this month with which you made me very happy. At the same time, I am enclosing a list with the total amount of funds made available to you by your circle of friends and totalling RM 1,000,000. We are very glad indeed to render some assistance to you in your special tasks and to be able to provide some small relief for you in your still further extended sphere of duties.

"Wishing you, dear Reichsleader, the best of luck, I remain in old loyalty and esteem.

"Heil Hitler! Yours very truly."

I had intended, your Honor, to quote the name of the contributors. I shall not.

THE PRESIDENT: I don't think it would add to the expedition of the trial, do you?

CAPTAIN HARRIS: Very well, sir. I am exceedingly grateful to your Honors for your very kind attention.

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THE PRESIDENT: Yes, Colonel Storey.

COLONEL STOREY: Do your Honors want to proceed now before the recess?

THE PRESIDENT: Perhaps we had better adjourn now for ten minutes.

(Whereupon, at 11.45, a short recess was taken.)

COLONEL STOREY: If the Tribunal please, the remainder of the presentation during the week will be concerning the criminal organizations. The first to be presented now is the Leadership Corps, including some of the illustrative crimes against the Churches, against the Jews, against the Trade Unions, and the operation of the Einsatzstab Rosenberg concerning the looting of art treasures.

On the threshold of presenting the proof establishing the criminality of the Leadership Corps of the Nazi Party, it is in point to restate the Prosecution's theory of this case. It is this. The Nazi Party was the central core of the common plan or conspiracy alleged in Count I of the Indictment, a conspiracy which contemplated and embraced the commission of crimes against the peace, war crimes and crimes against humanity as defined and denounced by the Charter.

The Leadership Corps, upon the evidence, was responsible for planning, directing and supervising the criminal measures carried into execution by the Nazi Party in furtherance of the conspiracy. More than this, as will be shown, the members of the Leadership Corps themselves actively participated in the commission of illegal measures in aid of the conspiracy. In the light of the evidence to be offered this Tribunal, the Leadership Corps may be fairly described as the brain, the backbone and the directive arms of the Nazi Party. Its responsibilities are more massive and comprehensive than those of the army of followers it led and

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directed in the assault against the peace loving peoples of this world. Accordingly, upon the record made in this case and now to be enlarged upon, the Prosecution requests this Tribunal to declare that the Leadership Corps of the Nazi Party is a criminal group or organization in accordance with Article 9 of the Charter.

At this time I should like to submit to the Tribunal the Document Book supporting the brief as USA Exhibit V.

If your Honors please--diverting from the manuscript--during the recess there was placed upon your bench the Document Book, which has each document marked by tab and each quoted portion embraced by red pencil marks for the assistance of your Honors. In addition, we have passed two documents that have already been introduced in evidence: an enlarged copy of this chart, more detailed, which your Honors have before you, and another chart, in photostatic form, with reference to the Leadership Corps; and both of those will be identified later.

I now proceed to present the proof relating to the composition, the functions, the responsibilities and powers of the Leadership Corps of the Nazi Party. First, what was the Leadership Corps--

DR. ROBERT SERVATIUS (Counsel for the Leadership Corps of the NSDAP)--interposing: After the last meeting I received a statement by Justice Jackson in which were proposals about the taking of evidence and the task of the discussion of certain questions which might arise. I cannot understand the scope of these proposals, and must therefore ask that I may at some time speak about these points again, if it is necessary.

THE PRESIDENT: Of course, Counsel will have the opportunity of making a full argument in answer to the argument presented on behalf of the Prosecution.

What I understood from Mr. Justice Jackson on Friday was that he proposed that the evidence on the question of criminal

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organizations should be presented first, and the argument presented afterwards.

Counsel for the organizations will, as I stated this morning, have the opportunity of calling evidence in answer to the evidence of the Prosecution, and will also have the opportunity of making whatever argument they think right in answer to the evidence and argument presented on behalf of the Prosecution.

COLONEL STOREY: First, what was the Leadership Corps of the Nazi Party? What persons made up its membership? What was its size and scope?

In considering the composition and organizational structure of the Leadership Corps it will be convenient for the Tribunal to refer to Document No. 2903-PS, which is this exhibit on the wall, and which was introduced by Mr. Albrecht at the opening of the trial. And, supplementing the chart on the wall, I now offer in evidence Document 2833-PS, US Exhibit No. 22, which is a chart of the Leadership Corps of the Nazi Party, appearing at page 9 of a magazine published by the Chief Education Office of the Nazi Party, entitled, "The Face of the Party." It is this little photostatic copy that you have. Later on we expect to put the big one

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on the wall.

These charts, and the evidence to follow, show that the Leadership Corps constituted the sum total of the officials of the Nazi Party. It included the Fuehrer at the top; the Reichsleiter, on the horizontal line; the Reich office holders, immediately below; the five categories of leaders who were area commanders, called the Hoheitstraeger, or "bearers of sovereignty". They are in the red-lettered or red-lined boxes at the bottom. They range all the way from the 40 odd Gauleiter in charge of large districts, down through the intermediate political leaders, the Ortsgruppenleiter, the Zellenleiter, and finally, to the Blockleiter, who were charged with looking after forty to sixty households, and what may be best described as staff officers, attached to each of the five levels of the Hoheitstraeger.

Organized upon a hierarchical basis, forming a pyramidal structure--as appears from the chart which Your Honors hold in your hands--the principal political leaders on a scale of descending authority were:

The Fuehrer, at the top.

The Reichsleiter, as I have mentioned, and the main office and office holders.

The Gauleiter, who were the district leaders, with their staff officers.

The Kreisleiter, who were the county leaders, and staff officers.

The Ortsgruppenleiter, local chapter leaders and staff officers.

The Zellenleiter, who were the cell leaders, and their staff officers.

And then, finally, the Blockleiter with his staff officers.

I now offer in evidence Document 1893-PS. That is USA Exhibit No. 323. And this, if your Honors please, is the organization book of the NSDAP, the National Socialist Party. It was edited by the Defendant, Reich Organization Leader of the NSDAP--or the late Defendant--Dr. Robert Ley; and it is the 1943 edition. A large part of the evidence to be offered relating to the composition of the Leadership Corps of the Nazi Party will be drawn from this primer of the Nazi organizations,

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and I shall later quote from it. And without so requesting the Tribunal each time to take judicial notice, I shall assume, in the absence of question, that it is so understood. That is Document 1893, the English translation, that we will refer to.

I now proceed to offer evidence as to the make-up and powers of the Reichsleitung of the Leadership Corps, which consisted of the Reichsleiter or Reich Leaders of the Nazi Party--and they are shown on that long horizontal list at the top of the chart -the Hauptaemter (main offices), and the Aemter, or office holders.

The Reichsleiter of the Party were annexed to Hitler, the highest office-holders in the Party hierarchy. All of the Reichsleiter in the main office and office holders within the Reichsleitung were appointed by Hitler and directly responsible to him.

I quote from the first paragraph of page 4, Document 1893-PS. You will find it on the left-hand side tab; the first paragraph of page 4 of that Document. I think you will find it embraced in red-pencil marks:

"The Fuehrer appoints the following political directors:

"Reichsleiter and all political directors, to include the Directors of the Womens Leagues, within the Reich Directorate or Reichsleitung."

The significant fact to be grasped is that through the Reichsleitung perfect coordination of the Party and State machinery was guaranteed.

Has Your Honor found it? It is in Document 1893, sir.

THE PRESIDENT: Yes, I have got it. Go on.

COLONEL STOREY: The Party manual puts it this way-- and I quote from the fourth sentence of the third paragraph of page 20 of that document. You will find the page-number at the bottom, page 20; it is a very short quotation.

May I say, while you are finding it, that you will find a little different translation in there than what I read from my script. I quote:

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"In the Reichsleitung the arteries of the organization of the German people and of the German State merge."

As I say, if Your Honors please, there is a little different translation in that portion in your book. There is a difference in translators.

To prove--

THE PRESIDENT (Interposing): Just a moment, please. It begins: "It is in the Reich Directorate where the strings of the organization of the German people and of the German State merge." Is that it?

COLONEL STOREY: Yes, sir, that is it. This translation says "the arteries of the organization of the German people and of the German State merge."

THE PRESIDENT: Yes.

COLONEL STOREY: To prove that the Reichsleiter of the Leadership Corps included the most powerful coalition of political overlords in Nazi Germany, it is necessary only to put in evidence their names. The list of Reichsleiter now to be offered into evidence will include the following Defendants now on trial before this Tribunal:

Rosenberg, von Schirach, Frick, Bormann, Hans Frank, and the late Defendant Robert Ley.

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Evidence to be introduced will show that the Defendant Rosenberg was the leader of an organization named for him, the Einsatzstab Rosenberg--which is not shown on this chart, if Your Honor please--which carried out a vast program of looting and plunder of art treasures throughout occupied Europe.

The evidence will further show that, as representative of the Fuehrer for the supervision of Nazi ideology and schooling, Rosenberg participated in an aggressive campaign to undermine the Christian churches and to supersede Christianity by a German National Church founded upon a combination of irrationality, pseudo-scientific theories, mysticism, and the discredited cult of the racial state. It will further be shown that the late Defendant Ley, acting as the agent of Hitler and the Leadership Corps, directed the Nazi assault upon the independent labor unions of Germany and that before destroying himself he first destroyed the bastion of republican society, a free and independent labor movement, replacing it by a Nazi organization, the German Labor Front, or the DAF, and employed this organization as a means of exploiting the German labor force in the interests of the conspiracy and to instil Nazi ideology among the ranks of the German workers.

It will be shown that the defendant Frick participated in the enactment of many laws which were designed to promote the conspiracy in its several phases.

The Defendant Frick shares responsibility for the grave injury done by the officials of the Leadership Corps to the concept of the rule of law by virtue of his efforts to give the color of law and formal legality to a large volume of Nazi legislation, which was violative of the rights of humanity, such as the Nazi discriminatory legislation designed to degrade, stigmatize, and eliminate the Jewish people of Germany and German occupied Europe.

Though the Defendant Bormann is physically absent from the dock, the evidence as to his responsibility in directing and furthering the course of the Nazi conspiracy is here and expands with the record in this case. As Chief of the Party Chancellery, right under Hitler, the Defendant Bormann was an extremely important force in directing the activities of the Leadership Corps. As will be shown, a decree of January 16, 1942, provided that

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the participation of the Party in all important legislation, governmental appointments, and promotions, had to be undertaken exclusively by Bormann. He took part in the preparation of all laws and decrees issued by the Reich authorities and gave his assent to those of the subordinate governments.

I now refer to Document 2473-PS, USA Exhibit No. 324. You will find the English translation to contain a list of the Reichsleiter of the NSDAP set forth on page 170 of this book. It was edited by the late Defendant and Reichsleiter for Party Organization, Robert Ley.

The following 15 Reichsleiter were in office in 1943, and I quote from pages 1 and 2 of Document 2473-PS, which read as follows.

If the Tribunal please, I don't believe I will read all of them, but will call attention to only certain of them. There were 15; there is shown on the board most of them:

Martin Bormann, Chief of the Party Chancery.

Then we skip over to Wilhelm Frick, Leader of the National Socialist faction in the Reichstag, shown on the big chart over at the second box from the end on the right.

Joseph Goebbels, Reichs Propaganda Leader of the NSDAP, shown also on the same level.

Heinrich Himmler, Reich Leader of the SS; the Deputy of the NSDAP for all questions of Germandom.

Robert Ley, Reich Organization Leader of the NSDAP and leader of the German Labor Front.

Victor Lutze, Chief of Staff of the SA.

Alfred Rosenberg, Representative of the Fuehrer for the supervision of all mental and ideological training and education of the NSDAP.

Baldur von Schirach, Reich Leader for the education of youth of the National Socialist Party.

And then, finally, Franz Schwarz, Reich Treasurer

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of the National Socialist Party.

The principal functions of the Reichsleiter, which we might call directors, included the responsibility of carrying out the tasks and missions assigned to them by the Fuehrer or by the Chief of the Party Chancellery, the Defendant Martin Bormann. The Reichsleiter were further charged with insuring that Party policies were being executed in all the subordinate areas of the Reich. They were also responsible for insuring a continual flow of new leadership into the Party.

With respect to the function and responsibilities of the Reichsleiter, I now quote from page 20 of Document No.1893-PS -- you will find the number at the bottom of the page, page 20, of No.1893-PS.

"The NSDAP represents the political conception, the political conscience, and the political will of the German nation. Political conception, political conscience and political will are embodied in the person of the Fuehrer. Based on his directives and in accordance with the program of the NSDAP, the organs of the Reich Directorate directionally determine the political aims of the German people. It is in the Reich Directorate -- or Reichsleiter -- that the arteries of the organization of the German people and the State merge. It is the task of the separate organs of the Reich Directorate to maintain as close a contact as possible with the life of the nation through their sub-offices in the Gau.

"The structure of the Reich Directorate is thus that the channel from the lowest Party office upwards shows the most minute weaknesses and changes in the mood of the people.

"Another essential task of the Reich Directorate is to assure a good selection of leaders. It is the duty of the Reich Directorate to see that there is leadership in all phases of life, a leadership which is firmly tied to National Socialist ideology and which promotes its dissemination with all its energy.

"It is the supreme task of the Reich Organization Leader to

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preserve the Party as a well-sharpened sword for the Fuehrer."

The domination of the German Government by the top members of the Leadership Corps was facilitated by a circular decree of the Reich Minister of Justice, dated 17 February 1934, which established equal rank for the offices within the Reichsleitung of the Leadership Corps and the Reich offices of the German Government. In this decree it was expressly provided that "the supreme offices of the Reich Party Directorate are equal in rank to the supreme Reich Government authorities." The Party Manual termed the control exercised over the machinery of the Government by the Leadership Corps "the permeation of the State apparatus with the political will of the Party."

At a later stage in this proceeding it will be shown that the Leadership Corps of the Nazi Party incontestably dominated the German State and Government. The control by the Leadership Corps of the German Government was facilitated by uniting in the same Nazi chieftains both high office within the Reichsleitung and corresponding offices within the apparatus of government. For example, as shown in Document 2903-PS, Goebbels was Reichsleiter in charge of Party propaganda, but he was also a cabinet minister in charge of propaganda and public enlightenment.

Himmler held office within the Reichsleitung as head of the Main Office for Volkdom -- you will notice the box right below his name -- and also was Reichsfuehrer SS. At the same time, Himmler held the governmental position of Reich Commissioner for the Consolidation of Germandom, and was the governmental head of the German police system.

As will be shown, this personal union of high office in the Leadership Corps and high governmental position in the same Nazi Leaders greatly accommodated the plan of the Leadership Corps to dominate and control the German State and Government.

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In addition to the Reichsleiter, the Party Directorate included about 11 Hauptamter, or main offices, and about four Amter, or offices. As set forth in the above exhibit, the Hauptamter of the Party included such main organizations as those for personnel, training, technology, which was headed by the Defendant Speer, Volkdom, headed by Himmler, civil servants, communal policy, and the like. The Amter, or offices, of the Party within the Reichsleitung included the Office for Foreign Policy under the Defendant Rosenberg which, the evidence will show, actively participated in plans for the launching of the war of aggression against Norway, the Office for Colonial Policy, the Office for Geneology, and the Office of Racial Policy.

As will be shown by the chart of the Leadership Corps in the folder which Your Honors have, certain of the main offices and offices within the Reichsleitung would appear again within the Gauleitung, or Gau Party Directorate, and Kreisleitung, or Party County Directorate. It is thus shown that the Reichsleiter and the main office and office holders within the Reichsleitung exercised, through functional channels--that is in this little one, with the dotted lines--running down functional channels, through the subordinate offices on lower regional levels, a total control over the various sectors of the national life of Germany.

I shall next take up the Gauleiter, and I shall now offer evidence with respect to the Gauleiter within the Leadership Corps of the Nazi Party. As will be seen from this organizational chart of the Nazi Party now before the Tribunal as USA Exhibit No. 2, for Party purposes Germany was divided into major administrative regions, Gaue, which in turn were sub-divided into Kreise (Counti Ortsgruppen (local chapters), Zellen (cells), and in Blocks (blocks). Each Gau was in charge by a Gauleiter who was the political leader of the Gau, or district. Each Gauleiter was appointed by and was responsible to Hitler himself. I quote from page 18 of the English translation of Document 1893-PS, the Organization Book of the NSDAP:

"The Gau represents the concentration of a number of Party counties, or Kreise. The Gauleiter is directly subordinate to the Fuehrer."

Your Honor find it? It is page 18 in the English translation. Document

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1893-PS.

"The Gauleiters bear overall responsibility to the Fuehrer for the sector of scvereignty entrusted to him. The rights, duties, and jurisdiction of the Gauleiter result primarily from the mission assigned by the Fuehrer, and apart from that, from detailed directives." End of quotation.

The responsibility and function of the Gauleiter and his staff officers or office holders were essentially a political one, namely to insure the authority of the Nazi Party within his area, to coordinate the activities of the Party, and all its affiliated, and supervised organizations, and to enlarge the influence of the Party over people and life in his Gaue generally. Following the outbreak of the war, when it became imperative to coordinate the various phases of the German war effort, the Gauleiter were given additional important responsibilities. The Ministerial Council for the Defense of the Reich, which was a sort of general staff for civil defense, and the mobilization of the German war economy, by a decree of 1 September 1939, 1939 Reichsgesetzblatt, Part I, page 1565, appointed about sixteen Gauleiter as Reich Defense Commissars, concerning which I ask the Tribunal to take judicial notice. Later, under the impact of mounting military reverses, and an increasingly strained war economy, more and more important administrative functions were put on a Gaue basis. The Party Gaue became the basic defense areas of the Reich, and each Gauleiter became a Reich Defense Commissar. Decree of the Ministerial Council for the Defense of the Reich of 16 November 1942. 1942 Reichsgesetzblatt, Part I, page 649, which I ask the Tribunal to take judicial notice of. In the course of the war, additional functions were entrusted to the Gauleiter, so that at the end, with the exception of certain special matters, such as police affairs, almost all phases of the German war economy were coordinated and supervised by them. For instance, regional authority over price controlwas put under the Gauleiter as Reich Defense Commissars, and housing administration was placed under the Gauleiter as Gau Housing Commissar. Toward the end of the war, the Gauleiter were charged even with the military and quasi-military tasks. Theywere made commanders of the

Volkssturm in their areas, and were entrusted with such important functions as the evacuation of civilian population in the path of the advancing Allied armies, as well as measures for the destruction of vital installations.

The structure and organization of the Party Gaue were substantially repeated in the lower levels of the Party organization such as the Kreise, Ortsgruppen, Cells, and Blocks. Each of these was headed by a political leader who, subject to the Fuehrer principle, and the orders of superior

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political leaders, was sovereign within his spere. The Leadership Corps of the Nazi Party was in effect a "Hierarchy of descending Caesars." Each of the subordinate Party levals, such as Kreise, Ortsgruppen, and so on, was organized into offices, or Amter dealing with the various specialized functions of the Party. But the number of such departments and offices deminished as the Party unit dropped in the Hierarchy, so that, while the Kreise office contained all, or most of the offices in the Gaue (such as the deputy, the staff office leader, an organization leader, school-leader, propaganda leader, press office leader, treasurer, judge of the Party Court, inspector, and the like), the Ortsgruppe had less, and the Zellen and Blocke still fewer.

The Kreisleiter:

The Kreisleiter was appointed and dismissed by Hitler upon the nomination of the Gauleiter, and directly subordinate to the Gauleiter in the Party Hierarchy. The Kreis usually comprised a single county. The Kreisleiter within the Kreis, had in general the same position, powers, and prerogatives granted the Gauleiter in the Gau. In cities they constituted the very core of Party power and organization. I quote now from page 17 of the English translation, Document 1893-PS. Page 17 of the English translation. Quote:

> "The Kreisleiter carries over-all responsibility towards the Gauleiter within his zone of sovereignty for the political, and ideological training and organization of the Political Leaders, the Party members, as well as the population." Unquote.

The Ortsgruppenleiter, who was the local chapter leader. The area of the Ortsgruppenleiter comprised of one or more communes, or, in a town a certain district. The Ortsgruppe was composed of a combination of blocks and cells and, according to local circumstances, contained up to 1500 households. The Ortsgruppenleiter also had a staff of office leaders to assist him in the various functional activities of the Party. All other political leaders in his area of responsibility were subordinate to and under the direction of the Ortsgruppenleiter. For example, the leaders of the various affiliated organizations of the Party, within

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his area, such as the German Labor Front, and the Nazi organization for lawyers, students, and civil servants, were all subordinate to the Ortsgruppenleiter. In accordance with the Fuehrer principle, the Ortsgruppenleiter, or Local Chapter Leaders were appointed by the Gauleiter, and were directly under the subordinate to the Kreisletier.

The Party Manual provides as follows with respect to the Ortsgruppenleiter, and I quote from pages 16 and 17 of Document 1893-PS, previously introduced in evidence, and I quote: "As Hoheitstraeger, Bearer-----" From page 16 and 17, Your Honor please.

THE PRESIDENT: Thank you.

"As Hoheitstraeger (Bearer of Sovereignty) all expressions of the Party will emanate from the Ortsgruppenleiter; he is responsible for the political and idealogical leadership and organization within his zone of sovereignty.

"The Ortsgruppenleiter carries the over-all responsibility for the political results of all measures initiated by the offices, organizations, and affiliated associations of the Party . . . The Ortsgruppenleiter has the right to protect to the Kreisleiter against any measures contrary to the interests of the Party with regard to an outside political appearance in public." End of quotation.

The Zellenleiter:

The Zelenleiter was responsible for four to eight blocks. He was the immediate superior of and had control and supervision over the Blockleiter (Block Leader). His mission and duties, according to the Party Manual, corresponded to the missions of the Blockleiter. I quote from the last paragraph of page 15 of the English translation of Document 1893-PS, which is only a line in the same document: "The missions of the cell leader correspond to the missions of the blockleader." Unquote.

The Blockleiter:

The Blockleiter was the one Party official who was peculiarly in a position to have continuous contact with the German people. The block was

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the lowest unit in the Party pyramidal organization. The block of the Party comprised of 40 to 60 households; and was regarded by the Party as the focal point upon which to press the weight of its propaganda. I quote from pages 13 and 14 of this same document:

> "The household is the basic community upon which the block and cell system is built. The household is the organizational focal point of all Germans united in an apartment, and includes roomers, domestic help, etc. . . The blockleiter has jurisdiction over all matters within his zone relating to the Movement, and is fully responsible to the Zellenleiter."

The Blockleiter, as in the case of other political leaders, was charged with planning, disseminating, and developing a receptivity to the policies of the Nazi Party among the population in his area of responsibility. It was also the expressed duty of the Blockleiter to spy on the population. I quote from pages 14 and 15 of this same document:

> It is the duty of the Blockleiter to find people disseminating damaging rumors, and to report them to the Ortsgruppe, so that

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"they may be reported to the respective State authorities."

"The Blockleiter must not only be preacher, and defender of the National Socialist ideology towards the members of national and Party entrusted to his political care, but he must also strive to achieve practical collaboration of the Party members within his block zone.

"The Blockleiter shall continuously remind the Party members of their particular duties towards the people and the State. The Blockleiter keeps a list, card file, about the households. In principle, the Blockleiter will settle his official business verbally, and he will receive messages verbally, and pass them on in the same way. Correspondence will only be used in cases of absolute necessity. The Blockleiter conducts National Socialist propaganda from mouth to mouth. He will eventually awaken the understanding of the eternally dissatisfied as regards the frequently misunderstood, or wrongly interpreted measures and laws of the National Socialist Government. It is not necessary to him to fall in with complaints and gripes about possibly obvious shortcomings of any kind in order to demonstrate solidarity....A condition to gain the confidence of all people is to maintain absolute secrecy in all matters." End of quotation.

It will be shown that there were in Germany around half a million of these Blockleiters. Large though this figure may appear, there can be no doubt that these officials were in and of the Leadership Corps of the Nazi Party. Though they stood at the broad base of the Party pyramid, rather than at its summit, where rested the Reichsleiter, by virtue of this fact, they were stationed at close intervals throughout the German civil population.

THE PRESIDENT: I think also it would be an assistance to the Tribunal if you could tell us, that is, sometime convenient to yourself, approximately how many there were in all of these ranks in the corps.

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COLONEL STOREY: Your Honor, please, that is the next subject.

THE PRESIDENT: Very well.

COLONEL STOREY: It may be doubted that the average German ever looked upon the face of Heinrich Himmler. But the man in the street in Nazi Germany could not have avoided an uneasy acquaintance with the Blockleiter in his neighborhood. As it is the "cop on the beat" rather than the Chief Magistrate of a nation who symbolizes law enforcement to average men and women, so it was the blockleiters who represented to the People of Germany the police-state of Hitler's Germany. In fact, as may be inferred from the evidence, the Blockleiters were "Little Fuehrers", with real and literal power over the civilians in their domains. As proof of the authority of the Blockleiter to exercise coercion, and the threat of force upon the civil population, I quote from Document 2833-PS, which is an excerpt from page 7 of the magazine published entitled "The Face of the Party", Document 2833-PS. It is just a line of quotation.

> "Advice and sometimes also the harsher form of education is employed if the faulty conduct of an individual harms this individual himself, and thus also the community."

Before I get to the numbers, I want to deal with the Hoheitstrager.

THE PRESIDENT: Don't you think it is time to break off.

COLONEL STOREY: Yes.

THE PRESIDENT: Until two o'clock.

(Whereupon at 1245 hours the hearing of the Tribunal adjourned to reconvene at 1400 hours.)

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Official transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants sitting at Nürnberg, Germany, on 17 December 1945, 1400-1700, Lord Justice Lawrence presiding.

COLONEL STOREY: Your Honors will notice that we have substituted an enlarged chart of the photostatic copy of that which was introduced in evidence this morning. Another thing to which I would like to call Your Honors' attention is the fact that the other chart, the big one, was dated 1945, and therefore did not show the Defendant Hess, because of his flight to England in 1941 and it will be recalled the defendant has occupied the position before Bormann, directly under the Fuhrer in the party organization.

We now take up the Hoheitstrager. The Hoheitstrager, diverting from the text is shown on this chart very well and all those shown in the black block constitute the Hoheitstrager beginning with the Fuhrer and going down the vertical column clear down to the black line.

Within the leadership corps of the Nazi Party, certain of the Political leaders possessed a higher degree of responsibility than others, were vested with special prerogatives, and constituted a distinctive and elite group within the Party hierarchy. Those were the so-called "Hoheitstrager" (Bearers of Sovereignty) who represented the party within their area of jurisdiction which is a section of Germany the so-called Hoheitsgebiet. I now quote from page 9 of the English translation of Document 1893-PS:

"Among the Political Leaders, the Hoheitstrager assumed a special position. Contrary to the other Political Leaders who have departmental missions, the Hoheitstrager themselves are in charge of a geographical sector known as the Hoheitsgebiet, (Sectors of Sovereignty).

Hoheitstrager are:

The Fuehrer

The Gauleiter

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The Kreisleiter

The Ortsgruppenleiter

The Zallenleiter

The Blockleiter

Hoheitsgebiet are:

The Reich

The Gau

The Kreis

The Ortsgruppe

The Zelle

The Block

"Within their sector of sovereignty the Hoheitstrager have sovereign political rights. They represent the Party within their sector. The Hoheitstrager supervise all Party officers within their jurisdiction and are responsible for the maintenance of discipline. The directors of offices, etc. and of the affiliated organizations are responsible to their respective Hoheitstrager as regards their special missions. The Hoheitstrager are superior to all Political Leaders, managers, etc., within their sector. As regards personal considerations, Hoheitstrager are endowed with special rights.

"The Hoheitstrager of the Party are not to be administrative officials, but are to move in a continuous vital contact with the Political Leaders of the population within their sector. The Hoheitstrager are responsible for the proper and good supervision of all members of the nation within their sector.

"The Party intends to achieve a state of affairs in which the individual German will find his way to the Party."

The distinctive character of the Politischer Leiter constituting the Hoheitstrager and their existence and operation as an indefinable group are indicated by the publication of a magazine, entitled "Der Hoheitstrager" whose distribution was limited by regulation of the Reich Organization Leader, to the Hoheitstrager and certain other

designated Politischer Leiter. I now refer to Doc. 2660 - PS U.S.A. Exhibit No. 325, which I offer in evidence; and I quote from the inside cover of this magazine which reads as follows:

> "Der Hoheitstrager, the contents of which is to be handled confidentially, serves only for the orientation of the competent leaders. It may not be loaned out to other persons. (Then follows a list of the Hoheitstrager and other Political Leaders authorized to receive the magazine)"

The magazine states in addition, that the following were entitled to receive it--I would like to emphasize the ones to receive it:

> "Commandants, Unit Commanders and Candidates of Order Castles; the Reich, Shock Troop and Gaus Speakers of the NSDAP; the Lieutenant Generals and Major Generals of SA, SS, RSFK, and NSKK; Lieutenant Generals and Major Generals of the HJ." That is the Hitler Jugend.

The fact that this magazine existed, that it derived its name from the Commanding Officers of the Leadership Corps, that it was distributed to the elite of the Leadership Corps, in other words, that a House Bulletin was circulated down the command channels of the Leadership Corps is probative of the fact that the Leadership Corps of the Nazi Party was a group or organization within the meaning of Article 9 of the Charter.

An examination of the contents of the magazine, Der Hoheitstrager, reveals a continuing concern by the Leadership Corps of the Nazi Party in measures and doctrines which were employed throughout the course of the conspiracy charged in the indictment. I shall not trouble the Tribunal nor encumber the record by offering in evidence exhaustive enumeration of these matters; but it may serve to clarify the plans and policies of the inner elite of the Leadership Corps by indicating that a random sampling of articles published and policies advocated in various issues of the magazine Der Hoheitstrager from February 1937 to October 1938 included the following: slanderous anti-Semitic articles, attacks on Catholicism and the Christian religion and clergy; the need

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for motorized armament; the urgent need for expanded Lebensraum and colonies; persistent attacks on the League of Nations; the use of the Block and Cell in achieving favorable votes in Party plebiscites; the intimate association between the Wehrmacht and the Political Leadership; the racial doctrines of Fascism; the cult

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of"leadership"; the role of the Gaus; Ortsgruppen, and Zellen in the expansion of Germany; and related matters all of which constituted elements and doctrinal techniques in the carrying out of the conspiracy charged in the Indictment.

The Political Leaders were organized according to the leadership principle. I quote from the 4th paragraph of page 2 at the bottom of the page and top of page 3.

"The basis of the Party organization is the Fuehrer thought. the public is unable to rule itself either directly or indirectly . . . All Political Leaders stand as appointed by the Fuehrer and are responsible to him. They possess full authority toward the lower echelons . . . Only a man who has absorbed the school of subordinate functions within the Party has a claim to the higher Fuehrer offices. We can only use Fuehrers who have served from the ground up. Any Political Leader who does not conform to these principles is to be dismissed or to be sent back to the lower offices, as Blockleiter, Zellenleiter, for further training. The Political Leader is not an office worker by the Political Deputy of the Fuehrer . . . Within the Political Leadership of the State . . . The type of the Political Leader is not characterized by the office which he represents/ There is no such thing as a Political Leader of the NSBO, etc., but there is only the Political Leader of the NSDAP."

Each Political Leader was sworn in yearly. According to the Party Manual, the wording of the oath was as follows; and I quote from the second paragraph of page 3, Document 1893-PS:

"I pledge eternal allegiance to Adolf Hitler, I pledge unconditional obedience to him and the Fuehrers appointed by him".

The organization Book of the NSDAP also provides, and I quote from page 3, paragraph 4, of the same document:

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"The Political Leader is inseparable tied to the idealogy and the organization of the NSDAP. His oath only ends with his death or with his expulsion from the National Socialist Community."

Appointment of Political Leaders:

With respect to the appointment of the political leaders constituting the Leadership Corps of the Party, I quote from page 4 of the Organization Book, which is document 1893:

"The Fuehrer appointed the following political Leaders:

a. All Reichsleiter and all Political Leaders within the Reichsleitung (Reich Party Directorate), including women's leaders.

b. All Gauleiters, including the Political Leaders holding offices in the Gaulietung (Gau Party Directorate), including Gau women's leaders.

c. All Kreisleiter.

"The Gauleiter appointed:

a. The Political Leaders and women's leaders within the Gau Party Directorate.

b. The Political Leaders and the directors of women's leagues in the Kreis Party Directorate.

c. All Ortsgruppenleiter.

"The Kresileiter appoints the Political Leaders and the Directors of the Women's Leagues of the Ortsgruppen including the Block and Cell Leaders."

The Power of Hoheitstrager to Call upon party formations.

The Hoheitstrager among the Leadership Corps were entitled to call upon and utilize the various Party Formations as necessary for the execution of the Nazi Party policies.

The Party Manual provides with respect to the pwer and authority of the Hoheitstrager to requisition the services of the SA; and I quote from page 11 of this same Document 1893-PS:

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"The Hoheitstrager is responsible for the entire political appearance of the Movement within his zone. The SA leader of that zone is tied to the directives of the Hoheitstrager in that respect.

The Hoheitstrager is the ranking representative of the Party to include all organizations within his zone. He may requisition the SA located within his zone from the respective SA leader if they are needed for the execution of a political mission. The Hoheitstrager will then assign the mission to the SA.

Should the Hoheitstrager need more SA for the execution of political mission than is locally available, he then applies to the next higher office of sovereignty which, in turn, requests the SA from the SA office in his sector."

According to the Party Manual, the Hoheitstrager had the same authority to call upon the services of the SS and NSKK as they possessed with respect to the SA.

With respect to the authority of the Hoheitstrager to call upon the services of the Hitler Youth, H.J, the Party Manual follows --- and I quote from page 11, the last paragraph of that translation:

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"The Political leader has the right to requisition the HJ in the same manner as the Sa for the execution of a political action.

"In appointing leaders of the HJ and the DJ, the office of the HJ must procure the approval of the Hoheitstrager of his zone. This means that the Hoheitstrager can prvent the appointment of leaders unsuited for the leadership of youth. If his approval has not been procured, an appointment may be cancelled if he so requests."

An example of the use of the Party Formations of the call of the Leadership Corps of the Party is provided by the action taken by the Reichsleiter for Party Organization of the National Socialistic Party, Dr. Robert Ley, leading to the deliberate dissolutions of the Free Trade Unions on 2 May 1933. I quote from Document 392-PS, U.S.A. Exhibit No. 326, which is a copy of the directive issued by the defendant Ley on 21 April 1933, reproduced on pages 51-52 of the "Social Life in New Germany" by Professor Mueller. I_n this directive the late defendant, Ley directed the employment of the SA and the SS in the occupation of trade union properties and for taking trade union leaders into protective custody. I now quote from paragraph 6 of page 1 of Doc. 392-PS. I_t is the third and fourth paragraphs from the bottom of the page:

"SA as well as SS are to be employed for the occupation of trade union properties and for the taking or personalities who come into question into protective custody. The Gauleiter (i.e. Regional Director) is to proceed with his measures on a basis of the closest understanding with competent Regional Factory Calls Director."

I also quote from the second paragraph of page 2 from this same document:

"The following are to be taken into protective custody: All Trade Union Chairmen; the District Secretaries and the Branch Directors of the 'Bank for Workers, Employees and Officials, Inc.'"

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I now offer in evidence Doc. 2474-PS, U.S.A. Exhibit No. 327 which is a copy of a decree issued by the Defendant Hess, as Deputy of the Fuehrer, dated 25 October 1934, which underwrites the authority of the Hoheitstrager with respect to the Party Formations. I quote from the numbered paragraphs 1, 5 and 6 of page 1 of Document 2474-PS which reads as follows:

> "The political leadership within the Party and its political representation towards all offices, State or others, which are outside of the Party, lie solely and exclusively with the H heitstrager (Bearers of Sovereignty), which is to say with me, the Gauleiter, Kreisleiter, and Ortsgruppenleiter...
>
> The departmental workers of the Party organization, as well as Reichsleiter, office directors, etc., as well as the leaders of the SA, SS, HJ and the subordinate affiliations, may not enter into binding agreements of a political nature with State and other offices except when so authorized by their H heitstrager.
>
> In places where the territories of the units of the SA, SS, HJ and the subordinate affiliations do not conincide with the zones of the Hoheitstrager, the Hoheitstrager will give his political directives to the ranking leader of each unit within his zone of sovereignty."

It was the official policy of the Leadership Corps to establish close and cooperative relations with the Gestapo. The Tribunal will recall that the Head of the German Police and SS, Himmler, was a Reichsleiter on the top level of the Leadership Corps. Without offering in evidence a decree dated 26 June 1935, issued by the Defendant Bormann, as Chief of Staff, Deputy of the Fuehrer, I ask the court to take judicial knowledge, and I quote:

> "In order to effect a closer contact between the offices of the Party and its organizations with the Directors of the Secret State Police (Gestapo), the Deputy of the Fuehrer requests that the Directors of the Gestapo be invited to attend all of the larger official rallies of the Party and its organization."

That is from the 1937 edition, page 143, dated the 26th June 1935, "The Decrees of the Deputy of the Fuehrer."

With reference to the meetings and conferences among the Hoheitstrager of the Leadership Corps, it is the contention of the Prosecution that the members of the Leadership Corps constitute a distinctive and identifiable group or organization. This contention is strongly supported by the fact that the various Hoheitstrager were under an abolsute obligation to meet and confer periodically

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not only with the staff officers on their own staffs, but with the political leaders and staff officers immediately subordinate to them. For example, the Gauleiter was bound to confer with his staff officers (such as his deputy, and so forth, which included the school leader, propaganda leader, press leader, his Gau Party judge, and so on) every 8 to 14 days. Furthermore, the Gauleiter was obligated to meet with the various Gauleiters subordinate to him once every 3 months for a 3-day convention, for the purpose of discussing and clarifying Nazi Party policies and directives, for hearing basic lectures on Party policy, and for the mutual exchange of information pertinent to the Party's current program. The Gauleiter was also obligated to meet at least once a month with the leaders of the Party formations and affiliated organizations within his Gau area, such as the leaders of the SA, the SS, Hitler Youth and others. In support of these statements, I quote from page 8 of Document 1893-PS. I don't think it is necessary to read all of that.

"Leader conferences in the district:

If Your Honor pleases, with your permission I will omit the reading of that because it was really summarized in my previous statement. I will quote sub-paragraph (d):

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(d) The bearer of sovereignty will meet at least once a month with the leaders of the SA, SS, NSKK, HJ, as well as the RAD and the NSFK who are within the zone for the purpose of mutual orientation."

The Organization Book of the Party imposes a similar requirement of regular and periodical conferences and meetings upon all the other Hoheitstrager, including the Kreisleiter, Ortsgruppenleiter, Zellenleiter and Blockleiter.

The clear consequence of such regular and obligatory conferences and meetings by all the Hoheitstrager, both with their own staff officers and with the political leaders and staff officers subordinate to them, was that basic Nazi policies and directives issued by Hitler and the leader of the Party Chancellery, the Defendant Bormann, directly through the chain of command of the Hoheitstrager, and functional policies issued by the various Reichsleiter and Reich office holders down functional and technical channels, were certain to be notified to, received, and understood by the bulk of the membership of the Leadership Corps.

If I may digress from my text, and call attention to this chart, you will see the dotted lines connecting down from the Party level, Gau level, to similar offices in the lower level.

Now I next come to the statistics relating to the Leadership Corps of the Nazi Party. The evidence relating to the size of the Leadership Corps of the Nazi Party, and as previously shown, the Leadership Corps comprised the sum of officials of the Nazi Party, including, in addition to Hitler and the members of the Reichsleitung, such as the Reichsleiter and the Reich office holders, a hierarchy of Hoheitstrager, which I have described, as well as the staff officers attached to the Hoheitstrager. I now offer in evidence Document 2958-PS, USA Exhibit No. 325, and this is issue No. 8, 1939, of the official Leadership Corps organ, "Der Hoheitstrager," similar to the one I exhibited a moment ago, and this is for the year 1939. This shows that there were:

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40 Gaue and 1 Foreign Gau, each led by a Gauleiter; that is 41:

808 Kreiseleiters:

28,376 Ortsgruppenleiters:

89,378 Zellenleiters and

463,048 Blocksleiters, each led by a Blockleiter.

However, as shown by the evidence previously introduced, the Leadership Corps of the Nazi Party was composed not only of the Hoheitstrager, but also of the staff officers or office holders attached to the Hoheitstrager. The Gauleiter, for example, was assisted by a deputy Gauleiter, several Gau inspectors, and a staff which was divided into main offices (Hauptamter) and offices (Amter), including such departments as the Gau Staff Office, Treasury, Education Office, Propaganda Office, Press Office, University Teachers, Communal Policy, etc. As previously shown, the staff office structure of the Gau was substantially represented in the lower levels of the Leadership Corps organization such as the Kreise, the Ortsgruppen, and so on. The Kreise and the smaller territorial areas of the Party were also organized into staff offices dealing with the various activities of the Leadership Corps. But, of course, the importance and the number of such staff officers diminished as the unit dropped in the hierarchy; so that, while the Kreisleiter staff contained all or most of the departments mentioned for the Gau, the Ortsgruppe had fewer departments and the lower ones fewer still.

Firm figures have not been found as to the total number of staff officers, as distinguished from the Hoheitstrager or political commanders themselves included within the Leadership Corps.

With respect to the scope and composition of the Leadership Corps of the Nazi Party, the Prosecution adopts the view, and respectfully submits to this Tribunal that, in defining the limits

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of the Leadership Corps, staff officers should only be included down to and including the Kreise. Upon this basis, the Leadership Corps of the Nazi Party did constitute the Fuehrer, the members of the Reichsleitung, the five levels of the Hoheitstrager, and the staff officers attached to the forty odd Gauleiters and the eight or nine hundred Kreisleiters. Adopting this definition of the Leadership Corps, it will be seen that the total figure for the membership of that organization, based upon the statistics cited from the basic handbook for Germany, amounts to around 600,000. By accepting the staff officers of the lower levels, as provided in the indictment, and as just defined, and without prejudice to any later individual action against those accepted, we think the figure of around 600,000 is approximately correct.

It is true that this figure is based upon an admittedly limited view of the size of the membership of the Leadership Corps of the Nazi Party, for the evidence has shown that the Leadership Corps, in effect, embraced staff officers attached to the subordinate Hoheitstrager, and the inclusion of such staff officers in the estimation of the size of the Leadership Corps if we had so recommended would have considerably enlarged the final figure if you had included staff officers to the Blockleiters so that it would have been 2,000,000, in round numbers.

MR. BIDDLE: What reason did you have for excluding them?

COLONEL STOREY: For this reason, your Honor, down in the Blockleiter, he might have called on an individual laborer that might have been on his staff, but he certainly didn't have the discretion that a staff leader did, for example, to the Gauleiter, say, as a propaganda man who disseminated information down, as well as help participate in plans and policies of the upper organization.

The subordinate staff officers thus excluded were responsible functionally to the higher staff officers with respect to their particular speciality, such as propaganda, Party organization, and

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so on, and to their respective Hoheitstrager with respect to discipline and policy control, and as I mentioned, likewise such higher staff officers participated in planning and policy, and passed these orders down through technical levels or technical channels as opposed to command channels.

"The Leadership Corps of the Nazi Party joined and participated in the common plan or conspiracy" is the next title.

The Program of the Nazi Party, proclaimed by Hitler on 24th February, 1920, contained the chief elements of the Nazi plan for domination and conquest. I now quote from document 1708-PS, which is the Year Book for 1941, published by the Party, and edited by the late Robert Ley. This book contains the famous 25 points of the Party, which I now offer in evidence as USA Exhibit No. 324. Diverting from the text, I don't intend to quote these 25 Party objectives, but only refer to a few of them, and I quote from page 1 of the English translation of document 1708-PS.

> "We demand the unification of all Germans in the Greater Germany on the basis of the right of self-determination of peoples."

Point 2 of the Party Program demanded unilateral abolition of the Peace Treaties of Versailles and St. Germain, which I quote.

> "We demand equality of rights for the German people in respect to the other nations; abrogation of the Peace Treaties of Versailles and St. Germain."

Point 3: quoting,

> "We demand land and territory (colonies) for the sustenance of our people, and colonization for our surplus population."

Point 4:

> "Only a member of the race can be a citizen. A member of the race can only be one who is of German blood, without consideration of confession. Consequently, no Jew can be a member of the race."

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Point 6:

> "We demand that every public office, of any sort, whatsoever, whether in the Reich, the county or municipality, be filled only by citizens. We combat the corrupting parliamentary economy, office-holding only according to Party inclinations without consideration of character or abilities."

Point 22: (which is from page 2 of the English translation of document 1708-PS)

> "We demand the abolition of the mercenary troops and formation of a National Army."

Back to page 1 - another quotation:

> "The program is the political foundation of the NSDAP and accordingly the primary political law of the State

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All legal precepts are to be applied in the spirit of the Party Program.

Since the taking over of control the Fuehrer has succeeded in the realization of the essential portions of the Party Program from the fundamentals to the details.

The Party Program of the NSDAP was proclaimed on 24 February 1920 by Adolf Hitler at the first large Party gathering in Munich and since that day has remained unaltered.....The National Socialist philosophy is summarized in 25 points."

As previously mentioned, the Party Program was binding upon the Political Leaders and they were under a duty to support and carry out that Program.

The Party Manual states, and I quote again from the middle of page 1 of Document 1893-PS:

"The Commandments of the National Socialists:

The Fuehrer is always right ....

The Program be your dogma.

It demands your utter devotion to the Movement ...

Right is what serves the Movement and thus Germany."

On page two of the same document another brief quotation:

"....Leader Corps is responsible for the complete penetration of the German Nation with the National Socialist spirit...."

The oath of the Political Leader to Hitler has been previously mentioned. In this connection the Party Manual provides, and I quote from the second paragraph on page 3 of the same document:

"The Political Leader is inseparably tied to the ideology and the organization of the NSDAP. His oath only ends with his death or with his expulsion from the National Socialist community."

While the "leadership principle" assured the binding nature of Hitler's statements, program and policies upon the entire Party and the Leadership Corps thereof, the leadership principle also established the

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full responsibility of the individual Political Leader within the province and jurisdiction of his office or position.

The leadership principle applied not only to Hitler as the supreme leader, but also to the Political Leaders under him and thus permeated the entire Leadership Corps. I quote from the middle of page 2 of Doc. 1893-PS:

> "The basis of the Party Organization is the Fuehrer thought... All Political Leaders stand as appointed by the Fuehrer and are responsible to him. They possess full authority toward the lower echelons...."

The various Hoheitstrager of the Leadership Corps were, in their respective areas, themselves Fuehrer. I quote from the third paragraph of page 9 of this same document:

> "Within their sector of sovereignty, the Hoheitstrager (Gauleiter, Kreisleiter, Ortsgruppenleiter, Zellenleiter, Blockleiter) have sovereign political rights . . . They are responsible for the entire political situation within their sector..."

I again refer and quote from Document 1814-PS, U.S.A. Exhibit No.328, which is the Party Book. It is just a one-sentence quotation, and it states:

> "The Party is an order of 'Fuehrer'. (End of quotation).

The subjection of the entire membership of the Leadership Corps to the fiat of the Fuehrer Principle is clearly shown in the following passage from the Party Manual; and it is this same document on page 3:

> "....a solid anchorage for all the organizations within the party structure is provided and a firm connection with the sovereign leaders of the NSDAP is created in accordance with the Fuehrer principle." (End of quotation).

Next is the subject:

"The Nazi Party, directed by the Leadership Corps, dominated and controlled the German State and Government."

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The Trial Brief dealing with the criminality of the Reich Cabinet sets forth the evidence as to the identity of various ministers comprising the Cabinet, and I shall not deal with that subject. The presence of the Reichsleiter and other prominent members of the Leadership Corps in the Cabinet facilitated the domination of the Cabinet by the Nazi Party and the Leadership Corps.

A law of 14 July 1933 outlawed and forbade the formation of any political parties other than the Nazi Party and made offenses against this a punishable crime, thereby establishing the one-party State and rendering the Leadership Corps immune from the opposition of organized political groups. I now quote from Document 1388-PS, that being the English translation of the Law against the Formation of New Political Parties, stated in 14 July 1933, 1933 Reichsgesetzblatt, Part I, page 479, and I now quote the first two articles of this law, which read as follows:

> "The National Socialist German Workers' Party constitutes the only political party in Germany. Whoever undertakes to maintain the organizational structure of another political party or to form a new political party will be punished with penal servitude up to three years or with imprisonment of from six months to three years, if the deed is not subject to a greater penalty according to other regulations."

I now quote from Document 1394-PS, which is the English translation of Law to Supplement the Law for the Restoration of the Professional Civil Service, dated 20 July 1933, 1933 Reichsgesetzblatt, Part I, page 518.

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On 13 October 1933: "law to guarantee public peace" was enacted which provided, inter alia, that the death penalty or other severe punishment should be imposed upon any person who "...undertakes to kill a member of the SA or the SS, a trustee or agent of the NSDAP..... out of political motives or on account of their official activity."

I next refer to Document 1395-PS, which is the English translation of the Law on Security and The Unity of the Party and State.

On 1 December 1933, the law was enacted "to secure the unity of Party and State." This law provided that the Nazi Party was the pillar of the German State, and was linked to it indissolubly; it also made the Deputy of the Fuehrer (then Hess) and the Chief of Staff of the SA (then Rohm) members of the Reich Cabinet. I quote:

> "After the victory of the National Socialist Revolution, the National Socialistic German Labor Party is the bearer of the concept of the German State and is inseparably the State. It will be a part of the public law. Its organization will be determined by the Fuehrer .....
>
> The Deputy of the Fuehrer and the Chief of Staff of the SA will become members of the Reich Government in order to insure close cooperation of the offices of the Party and SA with the public authorities....."

This law was a basic measure in enthroring the Leadership Corps in a position of supreme political power in Germany. For it laid down that the Party, directed by the Leadership Corps, was the embodiment of the State and, in fact, was the State. Moreover, this law made both the Fuehrer's Deputy and the Chief of Staff of the SA, which was a Party formation subject to the call of the Hoheitstraeger, cabinet members, thus further solidifying the Leadership Corps' control of the cabinet. The dominant position of the Leadership Corps is further revealed by the provision that the Reichs-Chancellor would issue the carrying-out regulations of this law in his capacity as Fuehrer of the Nazi Party. The fact that Hitler, as Fuehrer of the Leadership Corps, could promulgate rules which would have statutory force and be published in the Reichsgesetzblatt, the proper compilation for State

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enactments, is but a further reflection of the reality of the Party's domination of the German State.

I now refer to Document 2775-PS, which is No. 330--USA Exhibit No. 330--which is the English translation of certain extracts from Hitler's speeches to the 1934 and 1935 Party Congress at Nurnberg. I quote from the second extract in Document 2775, which is a declaration by Hitler to the 1935 Party Congress, and which reads--just one sentence:

"It is not the State which gives orders to us, it is we who give orders to the State."

Upon the evidence that categorical statement of the Fuehrer of the Leadership Corps, affirming the dominance of the Party over the State, cannot be refuted.

On the 30th of June 1934, Hitler, as head of the Nazi Party, directed the massacre of hundreds of SA men and other political opponents. Hitler sought to justify these mass murders by declaring to the Reichstag that "at that hour I was responsible for the fate of the German nation and the supreme judge of the German people." The evidence relating to these events will be presented at a later stage in connection with the case against the SA.

On the 3rd of July 1934 the cabinet issued a decree describing the murders and the massacre of 30 June 1934, in effect as legitimate, self-defense by the State. By this law the Reich Cabinet moved to make themselves accessories after the fact of these murders. The domination by the Party, however, makes the cabinet's characterization of these criminal acts by Hitler and his top Party leaders as state measures consistent with political reality. I refer now to Document 2057-PS, which is the English translation of the law Relating to the National Emergency Defense Measures of 3 July 1934, in the Reichsgesetzblatt of that year, Part I, page 529, and I quote the single article of that law, which reads as follows: That is Document 2057. This still has reference to the blood purge:

"The measures taken on 30 June and 1 and 2 July 1934 to counteract attempt at treason and high treason shall be considered as national emergency defense.'

On 12 July 1934, there was enacted a law defining the function of the Academy for German law. I refer to Document 1391-PS, which is an English

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translation of the Statute of the Academy for German Law, 12 July 1934, 1934 Reichsgesetzblatt, Part I, pages 605 and 6.

THE PRESIDENT: I don't think we caught what number you said.

COL. STOREY: Yes, sir; 1391.

THE PRESIDENT: I beg your pardon?

COL. STOREY: The first paragraph of 1391.

THE PRESIDENT: Yes.

"Closely connected with the agencies competent for legislation, it (the Academy) shall further the realization of the National Socialist program in the realm of the law."

On 30 January 1933, Hitler, the leader of the Nazi Party and Fuehrer of the Leadership Corps, was appointed Chancellor of the Reich. When President von Hindenburg died in 1934, the Fuehrer amalgamated to his person the offices of Chancellor and Reich President. I refer to Document 2003-PS, which establishes th fact, and I don't quote. It is Reichsgesetzblatt 1934, Part I, page 747.

By decree of the 20th of December 1934, Party uniforms and institutions were granted the same protection as those of the State. This law was entitled "Law Concerning Treacherous Acts Against the State and Party and for the Protection of Party Uniforms." This law imposed heavy penalties upon any person making false statements injuring the welfare or prestige of the Nazi Party or its agencies. It authorized the imprisonment of persons making or circulating malicious or baiting statements against leading personalities of the Nazi Party, and it provided punishment by forced labor for the unauthorized wearing of Party uniforms or symbols. I again refer to Document 1393, not quoting, which is the English translation and gives the authority.

Finally, by the law of 15 September 1934, the Swastika flag of the Party was made the official flag of the Reich. I refer to Document 2079, which is the English translation of the Reich Flag Law, found in Reichsgesetzblatt 1935, Part I, page 1145. Just the one sentence-- the quotation:

"The Reich and National flag is the swastika flag."

The Swastika was the flag and symbol of the Leadership Corps of the

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Nazi Party. By law it was made the flag of the State, a recognition that the Party and its corps of political leaders were the sovereign powers in Germany.

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On 23 April 1936, a law was enacted granting amnesty for crimes which the offender had committed "in his eagerness to fight for the National Socialist ideal." I cite Document 1386, which is the English translation of the law concerning amnesty, Reichsgesetzblatt 1936, Part I, page 378.

In furtherance of the conspiracy to acquire totalitarian control over the German people, a law was enacted on 1 December 1936 which incorporated the entire German youth within the Hitler Youth, thereby achieving a total mobilization of the German youth. And I cite Document 1393, containing that law, 1936 Reichsgesetzblatt, Part I, page 993. The law further provided that the task of educating the German youth through the Hitler Youth was entrusted to the Reichsleiter of the German youth in the NSDAP. By this law a monopoly control over the entire German youth was placed in the hands of the top official, a Reichsleiter, of the Leadership Corps of the Nazi Party, the Defendant von Schirach.

On 4 February 1938, the Fuehrer of the Leadership Corps of the Nazi Party, Hitler, issued a decree in which he took over direct command of the whole German armed forces. I cite Document 1915-PS, 1939 Reichsgesetzblatt, Part I, page 111. Hitler says:

"From now on, I take over directly the command of the whole Armed Forces."

By virtue of the earlier law of 1 August 1934, Hitler combined the offices of the Reich President and Chancellorship. In the final result, therefore, Hitler was Supreme Commander of the Armed Forces, the Head of the German State, and the Fuehrer of the Nazi Party.

With respect to this, the Party Manual states as follows, and I quote from page 19 of Document 1893-PS:

"The Fuehrer created the National Socialist German Workers' Party. He filled it with his spirit and his will, and with it he conquered the power of the State on 30 January 1933. The Fuehrer's will is supreme in the Party.

"By authority of the law about the Chief of State of the German Reich, dated 1 August 1934, the office of the Reich President has been combined with that of the Reich Chancellery. Consequently, the powers heretofore possessed by the Reich President were transferred to the Fuehrer, Adolf Hitler. Through this law, the conduct of the Party and State has been combined in one hand.

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By desire of the Fuehrer, a plebiscite was conducted on this law on 19 August 1934. On this day, the German people chose Adolf Hitler to be their sole leader. He is responsible only to his conscience and to the German nation."

A decree of 16 January 1942 provided that the Party should participate in legislation and official appointments and promotions. I cite as proof Document 2100-PS, which is the English translation of a directive concerning the application of the Fuehrer decree relating to the Chief of the Party Chancellery, 1942 Reichsgesetzblatt, Part I, page 35. The decree further provided that such participation should be undertaken exclusively by the Defendant Bormann, Chief of the Party Chancellery and Reichsleiter of the Leadership Corps. The decree provided that the Chief of the Party Chancellery was to take part in the preparation of all laws and decrees issued by Reich authorities, including those issued by the Ministerial Council for Defense of the Reich, and to give his assent to those of the Lander and of the Reich, the Lander being the German State. All communications between the State and Party authorities, unless within one Gau only, were to pass through Bormann's hands. This decree is of crucial importance in demonstrating the ultimate control and responsibility imputable to the Leadership Corps for governmental policy and actions taken in furtherance of the conspiracy.

On or about the 26th of April, 1942, Hitler declared in a speech that, in his capacity as leader of the nation, Supreme Commander of the Armed Forces, Supreme Head of the Government, and as Fuehrer of the Party, his right must be recognized to compel with all means at his disposal, every German, whether soldier, judge, state official, or party official, to fulfill his desire. He demanded that the Reichstag officially recognize this asserted right, and on the 26th of April 1942, the Reichstag issued a decision in which full recognition was given to the rights of the Fuehrer which I have just asserted. I cite Document 1961-PS, which is the English translation of that decision, found in 1942 Reichsgesetzblatt, Part I, page 247. I quote:

"At the proposal of the President of the Reichstag, on its session of 26 April 1942, the greater German Reichstag has approved of the rights which the Fuehrer has postulated in his speech with the following decision:

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"There can be no doubt that in the present war, in which the German people is faced with a struggle for its existence or annihilation, the Fuehrer must have all the rights postulated by him which serve to further or achieve victory. Therefore, without being bound by existing legal regulations, in his capacity as Leader of the Nation, Supreme Commander of the Armed Forces, Governmental Chief and Supreme Executive Chief, as Supreme Justice and as Leader of the Party, the Fuehrer must be in a position to force with all means at his disposal every German, if necessary, whether he be a common soldier or officer, low or high, official or judge, leading or subordinate official of the Party, worker or employee, to fulfill his duties. In case of violation of these duties, the Fuehrer is entitled, after conscientious examination, regardless of so-called well-deserved rights, to mete out due punishment and to remove the offender from his post, rank and position without introducing prescribed procedures.

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"At the order of the Fuehrer, this decision is hereby made public. Berlin, 26 April 1942."

Hitler himself perhaps best summarized the political realities of his Germany which constituted the basis for the Prosecution submission that the Leadership Corps of the Nazi Party and its following effectively dominated the State and Government. The core and crux of the matter was stated by Hitler in his speech to the Reichstag on 20 February 1938, when he declared in effect that every institution in Germany was under the direction of the Leadership Corps of the Nazi Party.

I cite as the Prosecution's final exhibit in support of the proposition that the Leadership Corps dominated the German State, with resulting responsibility, Document 2715-PS, which is the book containing Hitler's speech to the Reichstag on the 20th of February, 1938, as reported in "Das Archiv", Volume 47, February 1938, pages 1441 and 1442, and I quote a brief excerpt from Document 2715-PS:

"National Socialism has given the German people that leadership which as Party not only mobilizes the nation but also organizes it, so that on the basis of the natural principle of selection, the continuance of a stable political leadership is safeguarded forever. National Socialism possesses Germany entirely and completely since the day when, five years ago, I left the house in Wilhelmsplatz as Reich Chancellor. There is no institution in this state which is not National Socialist. Above all, however, the National Socialist Party in these five years not only has made the nation National Socialist, but also has given itself that perfect organizational structure which guarantees its performance for all the future. The greatest guarantee of the National Socialist revolution lies in the complete domination of the Reich and all of its institutions and organizations, internally and externally, by the National Socialist Party. Its protection against the world abroad, however, lies in the new National Socialist armed forces. In this Reich, anybody who has a responsible position is a National Socialist. Every institution of this Reich is under the orders of the supreme political leadership. The Party leads the Reich politically, the armed forces defend it militarily. There is nobody in any responsible position in this state who

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doubts that I am the authorized leader of this Reich."

The supreme power which the Leadership Corps exercised over the German State and Government is pointed out by an article published in this same authoritative magazine, "Der Hoheitstrager", in February, 1939. In this article, which was addressed to all Hoheitstrager, the Leadership Corps is reminded that it has conquered the State and it possesses absolute and total power in Germany. I cite Document 3230-PS, which is the English translation of an article entitled "Fight and Order", and I quote from this article, which trumpets forth in what we might term as accents of Caesarism, the battle call of the Leadership Corps of German life. I quote:

The first word is "Fight? Why do you always talk of fighting? You have conquered the State, and if something does not please you, then just make a law and regulate if differently. Why must you always talk of fighting? For you have every power. Over what do you fight? Outer politically? You have the Wehrmacht. It will wage the fight if fight is required. Inner-politically? You have the law and the police which can change everything which does not agree with you."

In view of the domination of the German State and Government by the--

THE PRESIDENT: Is this a good time to break off?

COL. STOREY: Yes, sir.

(A recess was taken from 1520-1535)

COLONEL STOREY: In view of the domination of the German State and Government by the Nazi Party and the Leadership Corps thereof, as established by the foregoing and other evidence heretofore recited in the previous trial briefs, it is submitted that the Leadership Corps of the Nazi Party is responsible for the measures, including the legislative enactments, taken by the German State and Government in furtherance of the conspiracy formulated and carried out by the co-conspirators and the organizations charged with the criminality in the present case.

I now skip and go to the overt acts and crimes of the Leadership Corps. The evidence now to be presented will establish that the membership of the Leadership Corps by their activities entered into a wide

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variety of acts and measures designed to advance the course of the conspiracy. The evidence will show that such participation by the Leadership Corps in the conspiracy embraces such measures as anti-Semitic activities, war crimes committed against members of the Allied forces, participation in the forced-labor program, measures to subvert and undermine the Christian religion and persecute the Christian clergy; the plundering and spoliation of cultural and other property in other occupied territories in Europe, participation in plans and measures leading to the initiation and prosecution of aggressive war, and, in general, the wide variety of measures embracing the crimes against the peace, war crimes, and crimes against humanity, as defined and denounced by the Charter.

The first item of evidence we have to introduce is in connec-

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tion with the participation of the gauleiter and kreisleiter, in what the Nazis describe as the "spontaneous uprising of the people" against the Jews throughout Germany on 9 and 10 November 1938. We did not intend to introduce by diverting from the text any evidence formerly introduced by Major Walsh on the persecution of the Jews, but only to show the connection of a few of the Party officials, in connection with the assassination of an official of the German Embassy in Paris on the 7th of November.

The evidence relating to these progroms has been thoroughly presented in connection with the prosecution's evidence and other phases of the case, particularly the persecution of the Jews. I shall therefore limit myself to two documents, and will request the Tribunal to recall that in the teletyped directive from SS-Gruppenfuehrer Heydrich, issued the 10th of November 1938 to all police headquarters and SD districts, all chiefs of the State Police were ordered to contact the political leaders in the Gaue and the Kreisead to arrange with these high officials in the Leadership Corps the organization of the so-called spontaneous demonstrations against the Jews.

The evidence previously presented shows that pursuant to this directive a large number of the Jewish shops and business were pillaged and wrecked, synagogues were set on fire, individual Jews were beaten up, and large numbers were taken off to concentration camps. This evidence forcibly illustrates the employment and participation of all the Kreisleiter and Gauleiter in illegal and inhumane measures designed to further the anti-Semitic program which was an original and continuing objective of the Leadership Corps of the Nazi Party. I simply refer again to Exhibit 3051-PS, U. S. Exhibit No. 240, and simply call your Honor's attention to the different political leaders that were named in that document, and I will not attempt to read nor refer to it again.

Diverting again from the text, I want to offer at this time

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in evidence --

THE PRESIDENT: Colonel Storey, is it addressed to these various rank in the Leadership Corps?

COLONEL STOREY: Your Honor, I notice on the first page it is addressed -- I am not good in reading German -- but to the State Police, to the SD, and to some other SD officials.

THE PRESIDENT: What has that got to do with the Leadership Corps?

COLONEL STOREY: It has to do with directions to Party officials to take part in these demonstrations. In other words, through certain officials of the Leadership Corps this directive was dispatched and directed.

THE PRESIDENT: Are you sure that State Police and SD aren't any of these rank in the Reich leadership?

COLONEL STOREY: If your Honors will refer to this original chart, this big one, you will notice that the SA, the SS, and several other of the organizations are listed on the left-hand part of that big chart. I think it is in the folder there on your Honor's desk. In other words, a close examination of that directive will show that they were to contact different political leaders in connection with the carrying into effect of this demonstration of the 9th and 10th of November. That is the only purpose for which it is offered. It has been introduced in evidence, but the reason I mention it at this time --

THE PRESIDENT: I can't see that it shows it. It seems to me to be a letter from the Chief of the Security Police to all headquarters and stations of the State Police.

COLONEL STOREY: I don't have the English translation before me at this moment, your Honor.

THE PRESIDENT: Well, go on.

COLONEL STOREY: I now offer in evidence document 3063, U. S. Exhibit 332. This was a report from the Chief Party Judge Buck to the defendant Goering dated the 13th of February 1939 concerning actions

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taken by the Supreme Party Court for excesses in connection with the demonstration of the 9th and 10th of November 1938. I don't believe this, if your Honors please, is in the document book - 3063.

THE PRESIDENT: Yes, it is.

COLONEL STOREY: I beg your pardon. I did not remember whether it was in here. I quote just a brief portion of it:

"When all the synagogues are burned down in one night it must have been organized in some way, and can only have been organized by the Party."

It is a long document, and that is the only portion I quote. I don't have the reference to it.

THE TRIBUNAL (Mr. Biddle): What page is that?

COLONEL STOREY: I am sorry, sir, I don't have the reference book.

MR. BIDDLE: Will you see if you can get it?

THE PRESIDENT: On page one. Don't you have the document before you?

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COLONEL STOREY: I gave the German text over there, sir. "When all the synagogues are burned down in one night it must have been organized in some way, and can only have been organized by the Party." The first paragraph, page seven.

Now I turn to illustrate the crimes against the Allied airmen. The members of the Leadership Corps of the Nazi Party participated in and share the responsibility for the murder, beating, and ill-treatment of Allied airmen who landed in German or German-controlled territory. Many Allied airmen who hailed out of disabled planes over Germany were not treated as prisoners of war, but were beaten and murdered by German civilians with the active condonence, indeed at the instigation of some of the Leadership Corps of the Nazi Party. Such a course of conduct by the Leadership Corps represented a flagrant and deliberate violation by the German Government of its obligations under the Geneva Convention to protect prisoners of war against acts of violence and ill-treatment.

As shown by Document 2473-PS -- it is not necessary to turn to that -- which is a list of the Reichsleiter of the Nazi Party appearing in the National Socialist Yearbook of 1943, and by Document 2903, which is this large chart, Heinrich Himmler was the Reichsleiter of the Nazi Party and thus a top official of the Leadership Corps by virtue of his positions as Reichsfuehrer of the SS and Delegate for German Folkdom. I now offer in evidence an original order signed by Himmler, Document R-1110, as U.S.A. E xhibit No. 333.

THE PRESIDENT: Do you mean 110?

COLONEL STOREY: R-110. It is right at the last of the document, if your Honor please.

THE PRESIDENT: Yes.

COLONEL STOREY: And that is an original signed by Himmler himself, and it is dated 10 August 1943, and I quote:

"It is not the task of the police to interfere in clashes between Germans and English and American terror fliers who have bailed out."

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This order was transmitted in writing to all senior executive SS and police officers, and orally to their subordinate officers and to all Gauleiters, as shown in Document 2473, and by the chart, Joseph Goebbels:-

THE PRESIDENT: I was only thinking that the police aren't part of the Leadership Corps, are they?

COLONEL STOREY: But Himmler, if your Honor please, combined the office himself of the Reichsfuehrer of the SA and leader of the German police. He was an officer of the state; he was an officer of the Party; and he issued this to officials of the Leadership Corps.

MR. BIDDLE: Then your thought would be that this order of Himmler's would be proof against the 600,000 members that you have spoken of?

COLONEL STOREY: Not against the members, but against the organization as a criminal organization, because from the top they disseminated orders of this type through the channels of the Leadership Corps.

THE PRESIDENT: But that is what I was putting to you, that it was not through the channels of the Leadership Corps, but through the channels of the police.

COLONEL STOREY: But the police, if your Honor please, were connected with the Leadership Corps, and Himmler stood at the top of both. It doesn't show on that chart, but it shows on the other big chart, if your Honor please, with reference to Goebbels, who was a top-flight official in the Leadership Corps, the Nazi Party, by virtue of his position as propaganda leader of the Party.

In the issue of the Voelkischer Beobachter, 29 May 1944. there appeared an article written by Goebbels, the Reichsleiter for Party propaganda, in which he openly invited the German civilian population to punish allied fliers shot down over Germany. I refer to Document 1676-PS. Document 1676-PS, which is the issue of the Voelkischer Beobachter containing this article inciting the German people to the commission of war crimes. I now quote:

"It is only possible with the aid of arms to secure the lives of enemy pilots who were shot down during such attacks, for they would

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otherwise be killed by the sorely tried population. Who is right here? The murderers who, after their cowardly misdeeds, await a humane treatment on the part of their victims, or the victims who wish to defend themselves according to the principle: 'An eye for an eye, a tooth for a tooth'? This question is not hard to answer."

Reichsleiter Goebbels then proceeds to answer his question in the following language, and still quoting:

"It seems to us hardly possible and tolerable to use German police and soldiers against the German people when it treats murderers of children as they deserve."

On the 30th of May 1944 the defendant Bormann, Reichsleiter and

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Chief of the Party Chancellory, issued a circular letter on the subject which furnishes indisputable proof that British and American fliers, who were shot down, were lynched by the German population. I offer this circular letter of the Defendant Bormann into evidence, Document 057-PS, U.S.A. Exhibit 329 it is up towards the top. Have you got the original book. Document 057-PS.

After alleging that in recent weeks English and American fliers had repeatedly shot children, women, peasants, and vehicles when on the highway, Bormann then states as follows in the second paragraph of the English translation. I quote:

"Several instances have occurred where members of the crews of such aircraft, who have bailed out or who have made forced landings, were lynched on the spot immediately after capture by the populance, which was incensed to the highest degree. No police measures or criminal proceedings were invoked against the German civilians who participated in these incidents."

The attention of the Tribunal is particularly invited to the fact that this letter of the Defendant Bormann is distributed through the chain of command of the Leadership Corps of the Nazi Party, expressly mentioning on the distribution list Reichsleiter, Gauleiter, Kreisleiter, and leaders of the incorporated and affiliated organizations of the Party. The defendant Bormann requested in the first paragraph of the second page, which is found in the English translation, that the local group leaders (Ortsgruppenleiter) be informed of the contents of his circular letter orally only--by oral means.

The effect of Reichsleiter Bormann's circular letter may be seen in an order dated 25 February 1945, which I now offer in evidence, and it is Exhibit L-154, U.S.A. Exhibit 325. It is an order from Albert Hoffman, an important member of the Leadership Corps by virtue of his position as Gauleiter and National Defense Commissioner of the Gau Westfalen-South. Document L-154. It is up near the first, and it is addressed to all Country Councillors, mayors, police officials, and to county leaders and county chiefs of the Volkssturm.

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The order reads in part, and I quote:

"Fighter bomber pilots who are shot down are not to be protected against the fury of the people. I expect from all police officers that they will refuse to lend their protection to those gangster types. Authorities acting in contradiction to the popular sentiment will have to account to me. All police and gendarmerie officials are to be informed immediately of this, my attitude."

The obligations --

THE PRESIDENT: Who is Hoffman?

COLONEL STOREY: Albert Hoffman was a member of the Leadership Corps by virtue of his position as Gauleiter and National Defense Commissioner of the Gau Westfalen-South. In this connection, if your Honor please, I quote the provisions of the Geneva Convention, 27 July 1927, Article 2, which provides -- and I simply ask the court to take judicial knowledge:

"Prisoners of war are in the power of the hostile power, but not of the individuals or corps who have captured them.

"They must at all times be humanely treated and protected, particularly against acts of violence, insults, and public curiosity.

"Measures of reprisal against them are prohibited."

THE PRESIDENT: Is that the 1907--

COLONEL STOREY: 1929, the Geneva Convention dated 27 July 1929, and being Article 2, and it was also ratified by Germany and the United States. It is clear from the foregoing quoted provisions that the Geneva Prisoners of War Convention imposes upon its signatories the strictest obligations to protect its prisoners of war from violence. The evidence just presented shows that the German State violated this provision. The evidence also proves that members of the Leadership Corps of the Nazi Party participated in the conspiracy to incite the German civilian population to take part in these atrocities.

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Now I next turn to some illustrative crimes against foreign labor.

On 13 September 1936, Reichsleiter of the Party Organization, Dr. Ley, addressed 20,000 people attending a session of the Party Congress. The official account of the Party Rally states that the Fuehrer was received with "enthusiastic shouts of exaltation" when he strode through the hall with his deputy, his constant retinue, and several Reichsleiter and Gauleiter. I am referring to Document 2283-PS, and it is the Voelkisher Beobachter for 14 September 1936, page 11 which we offer. In his speech, Reichsleiter Ley states that he had been mystified when the Fuehrer ordered him in "mid-April 1933 to take over the trade unions..., since I could not see any connection between my task as Organizational Leader of the Party and my new task." Ley continues by stating that very soon it became clear to him why his responsibilities as Reichsleiter of the Party Organization and Leader of the German Labor Front made logical his selection by the Fuehrer as the man to direct the smashing and dissolution of the free trade unions in Germany; and I quote from the document:

> "Very soon.....your decision, my Fuehrer, became clear to me and I recognized that the organizational measures of the Party could only come to full fruition when supplemented by

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the organization of the people, that is to say by the mobilization of the energies of the people and by their concentration and alignment... My tasks as Reichsleiter of the Party Organization and as a Leader of the German Labor Front were a completely homogeneous task; in other words, in everything I did, I acted as Reichsleiter of the Party Organization....The German Labor Front was an institution of the Party and was led to it. The German Labor Front had to be organized regionally...according to the same principles as the Party. That is why trade union and employee associations had to be smashed unrelentingly, and the basis of construction was formed, as in the Party, by the cell and the local section..."

On 17 October 1944, Reichsleiter Rosenberg sent a letter to Reichsleiter Bormann which I introduce as Document 327-PS, U.S.A. Exhibit 338, informing the latter that he had sent a telegram to Gauleiter urging them not to interfere in the liquidation of certain listed companies and banks under his supervision. Rosenberg emphasizes to Bormann that any "delay of liquidation or...independent confiscation of the property by the Gauleiter would impair or destroy an organized plan" for the liquidation of a vast amount of property.

On 7 November 1943, the Chief of the General Staff of the Armed Forces delivered a lecture at Munich to the Reichsleiter and Gauleiter. I now refer to Document L-172, previously introduced in evidence as U.S.A. Exhibit 34. The Chief of Staff stated that his object was to give a review of the strategic position at the outset of the fifth year of war; and he stated that he realized that the Political Leaders in the Reich and Gau areas, in view of their burdensome tasks in supporting the German War Effort, were in need of information he could give. He stated, in part, as follows:

"Reichsleiter Bormann has requested me to give you a review today of the strategic position in the beginning of the fifth year of war.

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No one - the Fuehrer has ordered - may know more or be told more than he needs for his immediate task, but I have no doubt at all in my mind, gentlemen, but that you need a great deal in order to be able to cope with your tasks. It is in your Gau, after all,...that all the enemy propaganda, and the malicious rumors concentrate that try to find themselves a place among our people....Against this wave of enemy propaganda and cowardice you need to know the true situation, and, for this reason, I believe that I am justified in giving you a perfectly open and uncovered account of the state of affairs...."

Reichsleiter Bormann distributed to all Reichsleiter, Gauleiter, and leaders of Party affiliated organizations, by an undated letter of transmittal which is Document 656-PS, U.S.A. Exhibit 339, on the National Socialist Party stationery, signed by Bormann, an order of the Supreme Command of the Wehrmacht, relating to self-defense by German guard personnel and German contractors and workers against prisoners of war. The order of the Wehrmacht referred to states that the question of treatment of prisoners of war is continually being discussed by Wehrmacht and Party bureaus. The order states that should prisoners of war refuse to obey orders to work, the guards have "in the case of the most pressing need and danger the right to force obedience with the weapon if he has no other means. He can use the weapon as much as is necessary to attain his goal ...."

On 18 April 1944, Reich Commissar Lohse, Reich Minister for the Occupied Eastern Territories, in a letter to Reich Youth Leader Axmann, proposed that the Hitler Youth participate in and supervise the military education of the Estonian and Latvian Youth. I now offer in evidence Document 347-PS, U.S.A. Exhibit 340. Lohse states in the above letter that "in the military education camps, the young Latvians are trained under Latvian leaders in the Latvian language not because this is our ideal, but because absolute military necessity demands this." Lohse further stated in the above letter that:

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"...in contrast to the Germanic peoples of the West, military education is no longer to be carried out through voluntary enlistments but through legal conscription. The camps in Estonia and Latvia...will have to be under German Leadership and, as military education camps of the Hitler Youth, they must be a symbol of our educational mission beyond Germany's borders...I consider the execution of the military education of the Estonian and Latvian youth not only a military necessity,but also a war mission of the Hitler Youth especially. I would be thankful to you, Party member Axmann, if the Hitler Youth would put itself at our disposal with the same readiness with which they have so far supported our work in the Baltic area."

An order of the Reich Minister of the Interior, Frick, dated 22 October 1938, which is Document 1438-PS, of which I ask the Court to take judicial notice, provided as follows:

"The Reichsfuehrer SS and the Chief of the German Police... can take the administrative measures necessary for the maintenance of security and order, even beyond the legal limits otherwise set on such measures."

The above order related to the administration of the Sudeten-German territory.

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In a letter dated 23 June 1943, our document No. 407-PS VI, already in evidence as U.S.A. Exhibit No. 209, Gauleiter and Plenipotentiary for the Direction of Labor, Fritz Sauckel, wrote to Hitler advising him of the success of the forced labor program as of that date and stating that, and I quote, as follows:

> "You can be assured that the District of Thueringen (Gau) and I will serve you and our dear people with the employment of all strength..."

I now offer in evidence Document 630-PS, U.S.A. Exhibit 342. If your Honor please, I call attention that this is on the personal stationery of Adolph Hitler. It is dated 1 September 1939. It is addressed to Reichsleiter Bouhler and Doctor of Medicine Brandt, it looks like, and it is signed by Adolph Hitler, I quote:

> "Reichsleiter Bouhler and Dr. Brandt, M.D., are charged with the responsibility of enlarging the authority of certain physicians to be designated by name in such a manner that persons who, according to human judgment, are incurable can, upon a most careful, diagnosis of their condition of sickness, be accorded a mercy death.
>
> Signed. A. Hitler."

A handwritten note on the face of the document states:

> "Given to me by Bouhler on 27 August 1940, signed: Dr. Guertner."

In a memorandum recording an agreement between himself and Himmler, the Minister of Justice Thierack stated that, on the suggestion of Reichsleiter Bormann, an agreement had been reached between Himmler and himself with respect to "special treatment at the hands of the police in cases where judicial sentences are not severe enough."

I will offer Document 654-PS, U.S. Exhibit 218, which had been previously introduced, and I want to quote a portion of it:

> "The Reich Minister for Justice will decide whether and when special treatment at the hands of the police is to be applied. The Reich Fuehrer of SS will send the reports, which he sent hitherto to Reichsleiter Bormann, to the Reich Minister for Justice." (Underlining supplied)

If the views of the Reich Fuehrer of SS and the Reich Minister for Justice disagreed,

> "the opinion of Reichsleiter Bormann will be brought to bear on the case, and he will possibly inform the Fuehrer..."

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If the views of the Reich Fuehrer of SS and the Reich Minister for Justice disagreed.

"the opinion of Reichsleiter Bormann will be brought to bear on the case, and he will possibly inform the Fuehrer."

In the above note it is further stated:

"The delivery of anti-social elements from execution of their sentence to the Reich Fuehrer of SS to be worked to death. Persons under protective arrest, Jews, Gypsies, Russians and Ukrainians, Poles with more than three-year sentences, Czechs and Germans with more than eight-year stentences, according to the decision of the Reich Minister of Justice. First of all the worst anti-social elements amongst those just mentioned are to be handed over. I shall inform the Fuehrer of this through Reichsleiter Bormann."

With respect to the "administration of justice by the people", the writer states:

"This is to be carried out step by step as soon as possible. I shall rouse the Party particularly to cooperate in this scheme by an article in the Hoheitstrager."

And Your Honors have already seen copies of that publication. I will now skip paragraphs 16 and 17.

A letter from RSHA, (Reich Security Main Office) to police chiefs, dated 5 November 1942, recites an agreement between the Reich Fuehrer SS and the Reich Minister of Justice, approved by Hitler -- I call attention of Your Honors to the red border around this original and then having the Party seal on it -- providing that ordinary criminal procedure was no long to be applied to Poles and members of the Eastern populations. The agreement provided that such people, including Jews and Gypsies, should henceforth be turned over to the police. The principles applicable to a determination of the punishment of German offenders, including appraisal of the motives of the offender, were not to be applied to Foreign offenders. I quote from page 2 of the document:

"The offense committed by a person of foreign extraction is not to be regarded from the view of legal retribution by way of justice, but from the point of view of preventing dangers through

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police action.

From this it follows that the criminal procedure against persons of foreign extraction must be transferred from Justice to the Police. The preceding statements serve for personal information. There are no objections if the Gauleiter are informed in the usual form should the need arise."

I now skip paragraphs 19 and 20 of the text. I next refer to document 1059-PS, previously introduced in evidence as U.S.A. Exhibit 147.

In a speech to a gathering of persons intimately concerned with the Eastern problem on 20 June 1941, Reichsleiter Rosenberg stated that the Southern Russian territories and the Northern Caucasus would have to provide food for the German people. I quote Rosenberg's words:

"We see absolutely no obligation on our part to feed also the Russian people with the products of that surplus territory. We know that this is a harsh necessity, bare of any feelings."

THE PRESIDENT: We've already had that read to us twice.

COLONEL STOREY; I'm sorry sir. I did'nt hear it. Strike it from the record.

I now refer to document R-114. I believe it's the last one in the book, U.S. Exhibit 314.

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Gauleiter Wagner of the German-occupied Areas of Alsace, prepared plans and took measures leading to the expulsion and deportation of certain groups within the Alsation civil population. His plans called for the forcible expulsion of certain categories of so-called undesirable persons, as a means of punishment and compulsory Germanization. The Gauleiter supervised deportation measures in Alsace from July to December, 1940, in the course of which 105,000 persons were either expelled or prevented from returning. A memorandum dated 4 August 1942 of a meeting of high SS and police officials, convened to receive the reports and plans of the Gauleiter relating to the Alsation evacuations, states that the persons deported were mainly "Jews, Gypsies and other foreign racial elements, criminals, asocial and incurably insane persons, as well as Frenchmen and Francophiles." The memorandum further states the Gauleiter stated that the Fuehrer had given him permission "to cleanse Alsace of all foreign, sick, or unreliable elements"; and that the Gauleiter emphasized the political necessity for further deportations. The memorandum further records that the SS and police officials present at the above conference approve the Gauleiter's proposals for further evacuation.

I now skip over to the next paragraph 24.

A memorandum by Reichsleiter Bormann of a conference called by Hitler at his headquarters, 16 July 1941, which I now offer in evidence as Document L-221, U.S.A. Exhibit No. 317. I'm sorry. That one was quoted this morning. The only purpose in referring to it is in connection with the Reichleiter. I believe Mr. Harris quoted from that document this morning, and I'll not read the quotation.

I call attention, however, that this conference was attended by Reichleiter Rosenberg, Reich Minister Lammers, Field Marshall Keitel, the Reich Marshall, and Bormann, and lasted about 20 hours. The memorandum states that the discussion occurred with respect to the annexation by Germany of various parts of conquered Europe. The memorandum also states that a long discussion took place with respect

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to the qualifications of other Gauleiter and commissioners for the administration of various areas of occupied Russia. Goering stated, according to the memorandum, that he intended to appoint Gauleiter Terboven for the "exploitation of the Kola Peninsula; the Fuehrer agrees."

I believe the next portion has beenquoted, too. I now pass to the participation of Leadership Corps of the Nazi Party in subversion of the Christian Church and persecution of the clergy and cite some illustrative crimes.

The evidence relating to the systematic effort of the defendants and co-conspirators to eliminate the Christian churches in Germany has been previously introduced in U.S.A. Exhibit "H", which is a document book containing the proofs with respect to the Nazi efforts to eliminate the Christian church. The evidence now to be presented is limited to proving and pointing up the responsibility of the Leadership Corps of the Nazi Party and the members thereof for illegal activities against the Christian church and clergy.

The defendant Bormann, who was a Reichsleiter and Chief of the Nazi Party Chancellery, issued a secret decree addressed to all Gauleiter, entitled "Relationship of National Socialism and Christianity." And that's Document D-75, U.S.A. Exhibit 348. In this decree Reichletier Bormann flatly declares that National Socialism and Christianity are incompatible and that the influence of the churches in Germany must be eliminated. I quote from pertinent portions of this decree beginning with the first paragraph thereof, top of page 3, which reads as follows:

"National Socialist and Christian concepts are irreconcilable. Our National Socialist ideology is far loftier than the concepts of Christianity, which, in their essential points, have been taken over from Jewry. For this reason, also, we do not need Christianity. If, therefore, in the future, your youth learns nothing more of this Christianity, whose doctrines are far below ours, Christianity will

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disappear by itself. It follows from the irreconcilability of National Socialist and Christian concepts that a strengthening of existing confessions and every demand of originating Christian confessions is to be rejected by us. A differentiation between the various Christian confessions is not to be made here. For this reason, also, the thought of an erection of an Evangelical National Church by merger of the various Evangelical Church has been definitely given up, because the Evangelical Church is just as inimicable to us as the Catholic Church. Any strengthening of the Evangelical Church would merely react against us.

"For the first time in German History, the Fuehrer consciously and completely has the leadership of the people in his own hand. With the Party, its components, and attached units, the Fuehrer has created for himself, and thereby the German Reich Leadership, an instrument which

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makes him independent of the Church. All influences which might impair or damage the leadership of the people exercised by the Fuehrer, with the help of the NSDAP, must be eliminated. More and more the people must be separated from the churches and their organs, the pastors. Of course, the churches must and will, seen from their viewpoint, defend themselves against this loss of power. But never again must an influence on leadership of the people be yielded to the churches. This influence must be broken completely and finally.

"Only the Reich Government and, by its direction, the Party, its components and attached units have a right to leadership of the people. Just as the deleterious influences of astrologers, seers and other fakirs are eliminated an suppressed by the State, so must the possibility of Church influence also be totally removed. Not until this has happened, does the State leadership have influence on the individual citizens. Not until then are people and Reich secure in their existence for all the future."

I next offer in evidence document 070-PS, towards the beginning, USA Exhibit 349, which is a copy of a letter issued from Bormann's office, dated 25 April 1941, to the defendant Rosenberg, in his capacity as the Fuehrer's Representative for the supervision of the entire mental and ideological training and education of the NSDAP. In this letter Bormann's office states that measures have been taken leading to the progressive cancellation of morning prayers and other religious services and their substitution by Nazi mottos and slogans. I quote from the first paragraph of document 070-PS, which reads as follows:

> "We are inducing schools more and more to reduce and abolish religious morning services. Similarly the confessional and general prayers in several parts of the Reich have already been replaced by national socialist mottos. I would be grateful to know your opinion on a future national socialist morning service instead of the present confessional morning services which are usually conducted once per week ....."

In a letter from Reichsleiter Bormann to Reichsleiter Rosenberg dated 22 February 1940, Document 098-PS, USA Exhibit 350, which I offer in evidence,

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Bormann declares to Rosenberg that the Christian religion and National Socialism are incompatible. Bormann cites, as examples of hostile divergence between Naziism and the churches, the attitude of the latter on the racial question, celibacy of the priests, monasteries and nunneries, etc. Bormann further declares that the churches could not be subjugated through compromise, but only through a new philosophy of life as prophesied in Rosenberg's writings. In the above letter, Bormann proposes the creation of a National Socialist Catechism in order to give that part of the German youth which declines to practice confessional religion, a moral foundation, and to lay a moral basis for National Socialist doctrines which are gradually to supplant the Christian religions. Bormann suggests that some of the Ten Commandments could be merged with the National Socialist Catechism and states that a few new Commandments should be added, such as: Thou shalt be courageous; Thou shalt not be cowardly; Thou shalt believe in God's presence in the living nature, animals, and plants; Thou shalt keep your blood pure; etc. Deputy of the Fuehrer Bormann concludes that he considers the problem so important that it should be discussed with the members of the Reich Directorate as soon as possible.

I quote from the 5th paragraph of the 1st page of the English translation of document 098-PS, which reads as follows:

"Christianity and National Socialism are phenomena which originated from entirely different basic causes. Both differ fundamentally so strongly, that it will not be possible to construct a Christian teaching which would be completely compatible with the point of view of the National Socialist ideology; just as the communications of Christian faith would never be able to stand by the ideology of National Socialism in its entirety...."

And then I quote from the last paragraph on page 5 of that document:

"The Fuehrer's deputy finds it necessary that all these questions should be thoroughly discussed in the near future in the presence of the Reich Leaders (Reichsleiter) who are especially effected by them....."

(End of quotation.)

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I next offer in evidence Document 107-PS.

THE PRESIDENT: Do you suggest that the Blockleiters would have to be present for that discussion?

COLONEL STOREY: Your Honor, in connection with the policy directives, the security of the sect goes from the top to the bottom and if that policy is adopted, they may by directive start at the Blockleiter. He says to discuss it in connection with the Reichsleiters who are the Party Directors, and I assume that if the Party Directors establish it as a policy, then they were to issue appropriate directives to the other subordinate members. Mr. Lambert has suggested also that it wouldn't be possible to discuss this matter with all the leadership corps and therefore they discussed it with Party Directors.

MR. BIDDLE: Does that show that he discussed it with the Directors?

COLONEL STOREY: No, that doesn't follow, but it shows that it was a subject of discussion for the Board of Directors of the Nazi Party.

THE PRESIDENT: Yes, but the question is, who are the Directors?

COLONEL STOREY: Five or six of them sit here, a total of sixteen.

THE PRESIDENT: Yes, but I thought that you were asking us to declare the whole of the organization down to the Blockleiters as criminal.

COLONEL STOREY: That is true, your Honor, but this is one instance of criminality of the organization and we can't prove at each state that all of them knew about it. We are trying to select different offenses and different crimes that were committed within the Party.

I next offer in evidence document 107-PS, U.S.A. Exhibit 351, which is a circular letter, dated 17 June 1938, addressed by the defendant Bormann, as Reichsleiter and deputy of the Fuehrer, to all Reichsleiter and Gauleiter. Bormann's letter encloses a copy of rules, prepared by Reichleiter Hierl, setting forth certain restrictive regulatio ns with respect to participation of the Reich Labor Service in religious celebrations. I quote pertinent portions of the directions issued by Reichsleiter Hierl, beginning with the first paragraph in Hierl's list of

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directions set forth on page one of the English translation of document 107-PS, which read as follows:

> "The Reich Labor Service is a training school in which the German youth should be educated to national unity in the spirit of National Socialism...
>
> "What religious beliefs a person has is not a decisive factor, but it is decisive that he first of all feels himself a German.
>
> "Every religious practice is forbidden in the Reich Labor Service because it disturbs the comradelike harmony of all working men and women.
>
> "On this basis, every participation of the Reich Labor Service in churchly, that is religious, arrangements and celebrations is not possible."

The Tribunal will appreciate that the position of the defendant Bormann as deputy of the Fuehrer of the Leadership Corps of the Nazi Party and chief of the Nazi Party Chancellery, and the position of the defendant Rosenberg as the Fuehrer's Representative, for the whole spiritual and philosophical education of the Nazi Party give to the views of these defendants on religion and religious policy the highest official backing. The anti-Christian utterance and policies of these two defendants reveal a community of mind and intention amongst the most powerful leaders of the party which was amply confirmed, as the evidence will show, by the actual treatment of the churches since 1933 and throughout the course of the conspiracy. I now offer in evidence document 2349-PS, U.S.A. Exhibit No. 352, which is an excerpt from the book "The Myth of the 20th Century", written by the defendant Rosenberg. I quote from that document:

> "The idea of honor - national honor - is for us the beginning and the end of our entire thinking and doing. It does not admit of any equal-valued center of force along side of it, no matter of what kind, neither Christian love, nor the Free-Masonic humanity, nor the Roman philosophy."

I now offer in evidence document 348-PS, U.S.A. Exhibit No. 353, which is a Gestapo telegram, dated 24 July 1938, dispatched from Berlin to Nurnberg, dealing with demonstrations and acts of violence against Bishop Sproll in Rottenburg. The Gestapo office in Berlin wired its Nurnberg office a teletype account received from its Stuttgart office of

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disorderly conduct and vandalism carried out by Nazi Party members against Bishop Sproll. I quote from the 4th paragraph of page one of the English translation of document 848-PS, which reads as follows:

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"The Party on 23 July 1939 from 2100 on carried out the third demonstration against Bishop Sproll. Participants, about 2500-3000 were brought in from outside by bus, etc. The Rottenburg populace again did not participate in the demonstration. This town took a rather hostile attitude toward the demonstrations. The action got completely out of hand of the Party member responsible for it. The demonstrators stormed the palace, beat in the gates and doors. About 150 to 200 people forced their way into the palace, searched through the rooms, threw files out of the windows and rummaged through the beds in the rooms of the palace. One bed was ignited. The Bishop was with Archbishop Groeber of Freiburg and the ladies and gentlemen of his menage in the chapel at prayer. About 25 to 30 people pressed into this chapel and molested those present. Bishop Groeber was taken for Bishop Sproll. He was grabbed by the robe and dragged back and forth."

The Gestapo official in Stuttgart added that Bishop Groeber desires "to turn to the Fuehrer and Reich Minister of the Interior, Dr. Frick, anew," and the Gestapo official added that he had found a full report of the demonstration after "suppressing counter mass meetings."

On 23 July 1938 the Reich Minister for Church Affairs, Kerrl, sent a letter to the Minister of State and Chief of the Praesidium Chancellery, Berlin, stating that Bishop Sproll had angered the population by abstaining from the plebiscite of 10 April. I now offer in evidence document No. 849-PS, USA Exhibit No. 354. In this letter Kerrl stated that the Gauleiter and Governor of Wuettemberg had decided that in the interest of preserving the State's authority and in the interest of quiet and order, Bishop Sproll could no longer remain in office. I quote from the third paragraph of the first page of the document, No. 849-PS:

"The Reich Governor had explained to the Ecclesiastical Board that he would no longer regard Bishop Sproll as Head of the Diocese of Rottenburg on account of his refraining from the election in the office and that he desired Bishop Sproll to leave the Gau area because he could assume no guarantee for his personal safety; that in the case of the return of the Bishop of Rottenburg he would see to it that all personal and official intercourse with him

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on the part of State offices as well as Party offices and the Armed Forces would be denied."

Kerrl further states in the above letter that his Deputy had moved the Foreign Office, through the German Embassy at the Vatican, to urge the Holy See to persuade Bishop Sproll to resign his Bishopric. Kerrl concludes by stating that should the effort to procure the Bishop's resignation prove unsuccessful, "the Bishop would have to be exiled from the land or there would have to be a complete boycott of the Bishop by the authorities."

THE PRESIDENT: Where is that that you are reading now?

COLONEL STOREY: Second page, near the end--second page of the English translation, about six lines from the bottom.

THE PRESIDENT: All right.

COLONEL STOREY: On 14 July 1939 the defendant Bormann in his capacity as deputy of the Fuehrer, issued a Party regulation which provided that Party members entering the clergy or undertaking the study of theology would have to leave the Party. I now offer in evidence Document 840-PS, USA Exhibit 355, and this is a copy of a regulation of Bormann, dated 14 July 1939, relating to the admission of clergy and students of theology into the NSDAP. I quote from the last paragraph of the English translation of Document 840-PS, which reads as follows:

"I decree that in the future Party members who enter the clergy or who turn in the study of theology have to leave the Party."

In this directive Bormann also refers to an earlier decree, dated 9 February 1937, in which he had ruled that the admission of members of the clergy into the Party was to be avoided. In this decree also Bormann refers with approval to a regulation of the Reich Treasurer of the Party, dated 10 May 1939, providing that "clergymen, as well as other fellow Germans, who are also closely connected with the church, cannot be admitted into the Party."

I now offer in evidence Document 3268-PS, USA Exhibit 356, which contains excerpts from the Allocution of His Holiness Pope Pius XII, to the Sacred College, June 2, 1945. In this address His Holiness, after declaring that he had acquired an appreciation of the great qualities of the German people in

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the course of 12 years of residence in their midst, expressed the hope that Germany could rise to new dignity and new life once it had laid the satanic specter raised by National Socialism and the guilty have expiated

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the crimes they have committed. After referring to repeated violations by the German government of the Concordat concluded in 1933, His Holiness declared as follows, and I quote from the last paragraph of Page One of the English translation of Document 3268-PS:

"The struggle against the Church did, in fact, become ever more bitter; there was the dissolution of Catholic organizations; the gradual suppression of the flourishing Catholic schools, both public and private; the enforced weaning of youth from family and Church; the pressure brought to bear on the conscience of citizens, and especially of civil servants; the systematic defamation, by means of a clever, closely-organized propaganda, of the Church, the clergy, the faithful, the Church's institutions, teachings and history; the closing, dissolution, confiscation of religious houses and other ecclesiastical institutions; the complete suppression of the Catholic press and publishing houses.

"In the meantime the Holy See itself multiplied its representations and protests to governing authorities in Germany, reminding them, in clear and energetic language, of their duty to respect and fulfill the obligations of the natural law itself that were confirmed by the Concordat. In those critical years, joining the alert vigilance of a Pastor to the long-suffering patience of a father, Our great Predecessor, Pius XI, fulfilled his mission as Supreme Pontiff with intrepid courage.

"But when, after he had tried all means of persuasion in vain, he saw himself clearly faced with deliberate violations of a solemn pact, with a religious persecution masked or open, but always rigorously organized, he proclaimed to the world on Passion Sunday 1937, in his Encyclical 'Mit brennender Sorge,' what National-Socialism really was: the arrogant apostasy from Jesus Christ, the denial of His doctrine and of His work of redemption, the cult of violence, the idolatry of race and blood, the overthrow of human liberty and dignity.

"From the prisons, concentration camps and fortresses are now pouring out, together with the political prisoners, also the crowds of those,

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whether clergy or laymen, whose only crime was their fidelity to Christ and to the faith of their fathers or the dauntless fulfillment of their duties as priests.

"In the forefront, the number and harshness of the treatment meted out to them, were the Polish priests. From 1940 to 1945, 2,800 Polish ecclesiastics and religious were imprisoned in that camp; among them was the Auxiliary bishop of Wloclawek, who died there of typhus. In April last there were left only 816, all the others being dead except for two or three transferred to another camp. In the summer of 1942, 480 German-speaking ministers of religion were known to be gathered there; of these, 45 were Protestants, all the others Catholic priests. In spite of the continuous inflow of new internees, especially from some dioceses of Bavaria, Rhenania and Westphalia, their number, as a result of the high rate of mortality, at the beginning of this year, did not surpass 350. Nor should we pass over in silence those belonging to occupied territories, Holland, Belgium, France (among whom the Bishop of Clermont), Luxembourg, Slovenia, Italy. Many of those priests and laymen endured indescribable sufferings for their faith and for their vocation. In one case the hatred of the impious against Christ reached the point of parodying on the person of an interned priest, with barbed wire, the scourging and crowning with thorns of our Redeemer."

Are you ready for another document?

THE PRESIDENT: I think perhaps it would be time now to adjourn.

(Whereupon at 1700 hours the hearing of the Tribunal adjourned to reconvene at 1000 hours, 18 December 1945.)